

CRL.O.P.No.12881 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 IPC in Crime No.282 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The petitioner is the owner of the lorry. The case of the prosecution is that the petitioner along with other accused are alleged to have transported sand illegally in their lorry.

4. Learned Counsel for the petitioner submitted that the petitioner has not committed any such offence and a false complaint has been foisted against him for statistical purpose.

5. Learned Government Advocate (Crl. Side) submitted that the vehicle has been seized and there is no previous case as against the petitioner.

6. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is not involved in any previous case, **this Court is inclined to grant anticipatory bail to the petitioner.**

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7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Arakkonam subject to the following conditions:**

(i) the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

05.07.2016

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