

Crl.O.P.No.15444 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 of IPC in Crime No.28 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the owner of the vehicle, is alleged to have transported sand illegally in his vehicle. Hence, this complaint.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. The co-accused was arrested and enlarged on bail by the lower court.

4. Learned Government Advocate (Crl.Side) submitted that this is the second anticipatory bail petition and the first was dismissed on 15.02.2016 by this court. The petitioner is having five previous cases.

5. Considering the facts and circumstances of the case and considering the quantity of theft of sand involved in this case and taking note of the fact that the police have not taken steps to secure the accused shows that the custodial interrogation may not be required in this case, this court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of **fifteen (15) days** from the date of receipt of a copy of this order, **before the learned Judicial Magistrate, Uthukottai**, on condition that the petitioner executes 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 and on further conditions that:

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[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial;

[d] on breach of any of the aforesaid conditions, the learned 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]**.

6. The inaction of the police in not securing the petitioner from 15.02.2016 shows something fishy in the matter and this Court suspects whether the police is hand-in-glove with the accused.

27.07.2016

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