

Crl.O.P.No.3492 of 2016**K.KALYANASUNDARAM, J.**

The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 & 430 IPC on the file of the respondent police, in Crime No.49 of 2014 and seeks anticipatory bail.

2. The case of the prosecution is that on 03.02.2014 when the respondent police conducted routine vehicle check up, the petitioner, who is the driver of the Tractor, collected the sand from the road side.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the driver of the Tractor. He collected the sand from the road side at the instruction of the owner of the Tractor and the Tractor was seized by the respondent and it is in the custody of the respondent. He has been falsely implicated in this case and he has nothing to do with the alleged offences.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is the driver of the Tractor and there is no previous case as against the petitioner.

5. Considering the facts and circumstances of the case and also considering the nature of the allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate cum District Munsif Court, Ambur and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

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18.02.2016

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