

Crl.O.P.No.13995 of 2021

T.V.THAMILSELVI, J.

Today, the matter is listed under the caption "for being mentioned".

2. It is brought to the notice of this Court that some typographical error has been crept in para Nos.5 & 5(b) of the order dated 15.09.2021. The said para Nos.5 & 5(b) are to be replaced as follows:

“5. Perused. Already co-accused arrested and released on bail and the vehicle also seized. Taking note of the fact and circumstances, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the **Registered Advocate Clerk Association, Thiruvannamalai**, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsiff cum Judicial Magistrate, Kalasapakkam on condition that 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a).....

(b) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of the Registered Advocate Clerk Association, Thiruvannamalai and shall produce the said receipt before the Court below.”

3. The time for surrender is extended for a further period of three weeks from the date of receipt of a copy of this order. It is made clear that no further extension of time will be granted.

4. Registry is directed to carry out necessary correction in the Order and issue fresh order copy.

04.10.2021

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s 379, 430 of IPC, R/W 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 & 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Cr.No.133 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported 2 unit of river sand illegally in his vehicle. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the second anticipatory bail petition, earlier petition in CrI.O.P.No.9220 of 2021 was dismissed by this Court on 26.05.2021. He would also submit that the co-accused has already granted bail, he is the owner of the vehicle. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.side) appearing for the respondent submitted that the petitioner and other accused persons have transported 2 units of river sand illegally in his vehicle. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Perused. Already co-accused arrested and released on bail and the vehicle also seized. Taking note of the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Kalasapakkam, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsiff cum Judicial Magistrate, Kalasapakkam on condition that 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of the Registered Advocate Clerk Association, Kalasapakkam and shall produce the said receipt before the Court below.

[c] 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.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 learned 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

15.09.2021

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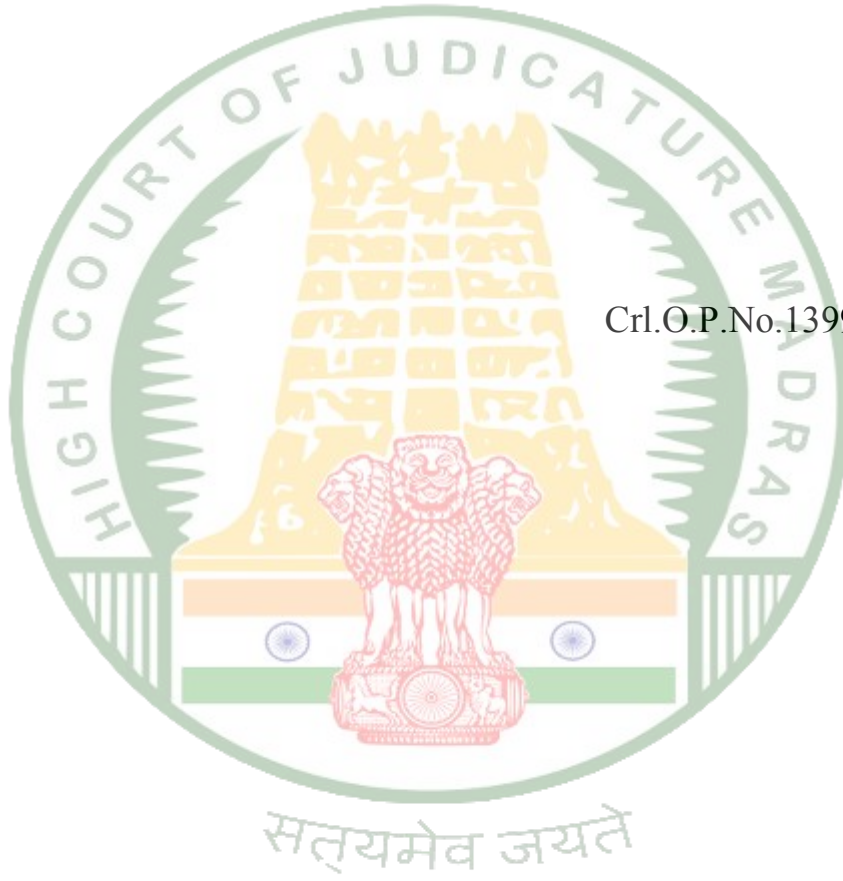
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