

Crl.OP.No.11255 of 2021**M.DHANAPANI,J.**

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

2. Heard the learned counsel for the petitioner.

3. It is ordered that the order in 11255 of 2021 dated 01.07.2021 shall read as follows:

"The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 149 and 379 of IPC in Crime No.33 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of 2 loads of Kallipu sand by using a tipper lorry.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the Jail Department that may be imposed by this Court.

4. The learned Government Advocate submitted that the vehicle involved was seized by the respondent police and there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case and

there is no previous case pending against the petitioner, I am

inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Karaikal, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) for the basic needs of the prisons through demand draft to the credit of the Superintendent of Prison, Jail Department, Puducherry, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to

ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(f)the petitioner shall not abscond either during investigation or trial;

*(g)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]**; and;*

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. In the result, this Criminal Original Petition is ordered and the Superintendent of Prison shall submit the necessary proof with regard to the expenditure incurred for the improvement of the Prison in the District before the Inspector General of Prison, Puducherry as and when such works are completed by utilising the money as ordered by this Court."

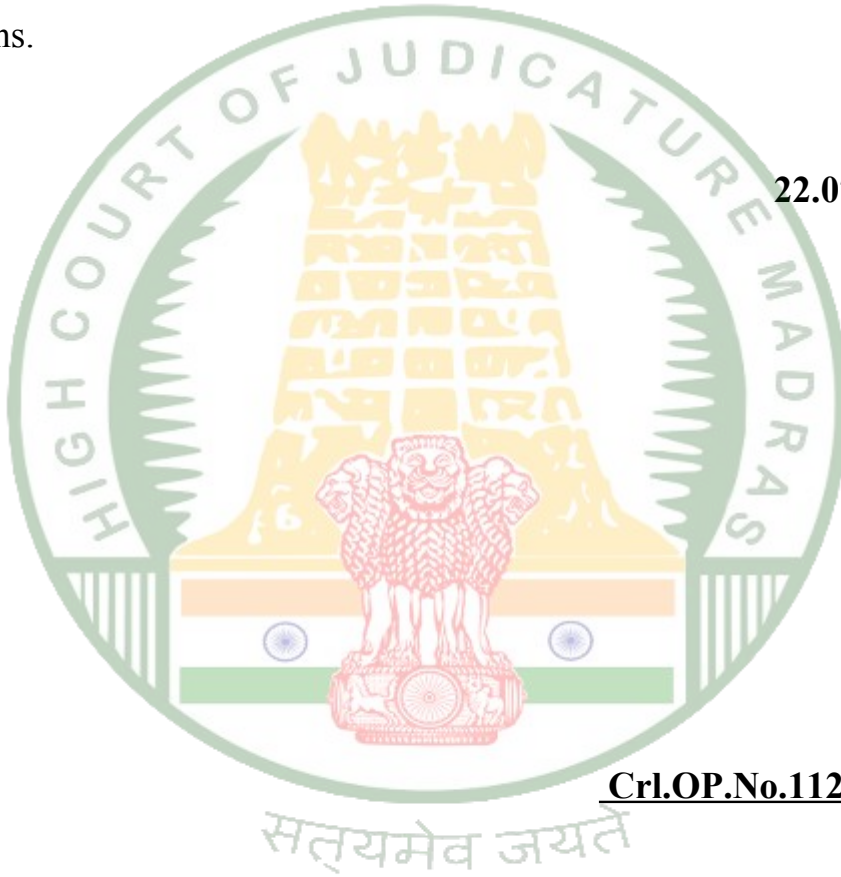
M.DHANAPANI,J

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4. Registry is directed to issue a fresh order copy in Crl.OP.No.11225 of 2021 dated 01.07.2021 after making necessary corrections.

22.07.2021

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