



Crl.O.P.No.5136 of 2022

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WEB C **Dr.G.JAYACHANDRAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.497 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had escorted the two vehicles which were carrying 1 unit of river sand each illegally. The petitioner role has been stated in the confession statement of the accused who were apprehended on the spot. The petitioner is absconding for the past two years and approached this Court seeking anticipatory bail.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

4. Taking note of the above facts cumulatively, this Court is inclined to grant anticipatory bail to the petitioner.



5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Krishnagiri**, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioner shall deposit a sum of **Rs.40,000/- (Rupees Forty Thousand only)** before the concerned **District Collector's Fund as non-refundable deposit**, without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioners. After receipt of the above said amount, the same has to be deposited by the concerned District Collector to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit;



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(b) the petitioner and 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;

(c) the petitioner shall report before the Investigating Officer as and when required.

(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]*; and;

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

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