



Crl.O.P.No.5675 of 2022

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

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.38 of 2022, on the file of the respondent police, seek anticipatory bail.

2. On 23.02.2022, when the Special Revenue Inspector, Geological and Mining Department, Perambalur, conducted a surprise raid near Kalpadi Village, the lorry bearing No.TN 65 AH 4257 carrying stones was intercepted, the driver of the lorry abandoned the vehicle with load and fled away. Based on the said complaint, the First Information Report has been registered against these petitioners under Section 379 of IPC in Crime No.38 of 2022. The First Information Report indicates that the value of the stones is around Rs.6,840/-.

3. The petitioners herein, who are driver and owner of the said lorry, submitted that the stones were removed from the nearby field where a Well was dug for irrigation.



4. Considering the allegations made in the First Information Report and the averments made in this petition, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate II, Perambalur**, on condition that each of the petitioners 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 learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) each of the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten 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;

(b) the petitioners 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 petitioners shall report before the Investigation Officer as and when required.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners 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;



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

The grant of anticipatory bail shall not stand in the way of the authorities to initiate the confiscation proceedings in accordance with law.

11.03.2022

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