



Crl.O.P.No.16869 of 2022

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G.K.ILANTHIRAIYAN, J.

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This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner would submit that this Court, by an order dated 20.07.2022, has granted anticipatory bail to the petitioner in Crl.O.P.No.16869 of 2022. However in the order copy, it was wrongly mentioned as the petitioner transported river sand and he is a driver of the vehicle. But the petitioner is the owner of the vehicle and it is alleged that he transported read sand. Hence, she prayed for suitable directions.

3. Considering the submission made by the learned counsel appearing for the petitioner, the paragraph 2 to 8 of the order dated 20.07.2022 in Crl.O.P.No.16869 of 2022 shall read as follows :-

“2. It is the case of the prosecution that when the defacto complainant and their team were on regular patrol, they found that the petitioner transported two units of red sand illegally in a tipper lorry. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the quantity of sand involved is two units of red sand. He would also submit that the petitioner is an owner of the vehicle and the petitioner has no previous case against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before the learned Principal Sessions Judge, Salem, 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 learned Session Judge 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 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.

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



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

[e] 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].

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

4. Registry is directed to correct the order and issue order copy a fresh. Two weeks time is granted to the petitioner to comply with the conditions imposed in the order dated 20.07.2022, from the date on which this order copy made ready.

03.08.2022

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