



Crl.O.P.No.21368 of 2022

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 430 and 379 of IPC in Crime No.130 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found to be in possession 3 bags of river sand in two wheeler illegally. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was also granted anticipatory bail by this Court in Crl.O.P.No.13667 of 2022 dated 14.06.2022 with a condition to surrender within a period of two weeks. But, the petitioner was unable to surrender and thereafter, he had filed an application for extension of time in Crl.M.P.No.10908 of 2022 and this Court by an order dated 27.07.2022, directed the petitioner to execute the sureties on or before 05.08.2022, failing which, the order of this Court shall stand automatically cancelled. Even thereafter, due to his ill health, the



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petitioner was unable to surrender and execute the sureties. Therefore, the order of this Court was automatically cancelled. Thereby, the present petition has been filed for grant of anticipatory bail before this Court. He would also submit that the petitioner is prepared to abide by any stringent conditions imposed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that despite the anticipatory bail granted and extension of time granted by this Court, the petitioner has not surrendered before the concerned Court. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also anticipatory bail was



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already granted and due to his ill health, the petitioner has not surrendered within the time, which is already lapsed, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) towards the Taluk Services Authority attached to the concerned Court and produce the receipt at the time of execution of the sureties.

7. 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 District Munsif cum Judicial Magistrate, Uthiramerur**, 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 also the petitioner shall deposit **a sum of Rs.3,000/- (Rupees Three Thousand only) towards the Taluk Services Authority attached to the concerned Court** and produce the receipt at the time of execution of the



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sureties, 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., until further orders.**

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

[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]**.



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

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**06.09.2022**

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