



Crl.O.P.No.21535 of 2022

A.D.JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 379 and 430 of IPC r/w. Section 21(1) MMDR Act, 1957 in Crime No.136 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.03.2022, when the defacto complainant and their team were on regular patrol, they found that the petitioner illegally transported 1/4 unit of sand in bullock cart without any valid license. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court on 16.03.2022 in Crl.OP.No.5980 of 2022, he would submit that pursuant to the said order the petitioner had deposited a sum of Rs.5,000/- to the credit of District Collector fund as non refundable deposit and since, he was unable to produce the sureties within time, the anticipatory bail granted by this Court got automatically lapsed. Hence the present petition.

4. The learned Government Advocate (Cr. side) would submit that the petitioner was granted anticipatory bail on 16.03.2022 in Crl.OP.No.5980 of 2022.

The petitioner did not furnish sureties and thereby the order got lapsed.



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5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions :-

[a] the petitioner is directed to deposit a sum of Rs.2,500/-(Rupees Two thousand five hundred only) to the "The Taluk/District Legal Services Authority" authority attached to the concerned Court within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount

[b] 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned **Judicial Magistrate No.I, Kattumannarkoil, Cuddalore**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[c] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 as and when required for interrogation.

[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 are



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]**.

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

6. With the above directions, this Criminal Original Petition is ordered.

07.09.2022

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