



Crl.O.P.No.21628 of 2022

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

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 of IPC in Crime No.446 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally taken the clay sand without proper permission from S.No.133/0 which is mentioned as Government unclaimed land.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that they were alleged to have been taken the clay sand from the poramboke land. He would also submit that without prejudice, the petitioners are prepared to deposit a sum of Rs.10,000/- each to any welfare scheme of the Government and he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the



Crl.O.P.No.21628 of 2022

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respondent Police would submit that the petitioners were illegally taken the clay sand without proper permission. He would further submit that there is no previous case pending against the petitioners. Hence, he opposed to grant bail to the petitioners.

5.Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have prepared to deposit Rs.10,000/- each to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, each the petitioners are directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the District Mineral



Crl.O.P.No.21628 of 2022

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Foundation Trust concerned, without prejudice to their rights and contentions before the trial Court, **on such** deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvarur on condition that each of the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners 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



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CrI.O.P.No.21628 of 2022

interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

12.09.2022

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

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Crl.O.P.No.21628 of 2022

**Crl.O.P.No.21628 of 2022**

12.09.2022