



Crl.O.P.No.25919 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 379 and 430 of IPC in Crime No.242 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that based on the complaint given by the Sub-Inspector of Police attached in the respondent police station, it is found that the petitioner had took savadu soil from the lake and used the same for making bricks and sold it in the market without any permission from the Government. Further the JCB bearing registration No.TN-23-BF-4306 used for filling savadu soil, is owned by petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that petitioner is innocent and he has not committed any offence as alleged by the prosecution. He also submitted that the above mentioned JCB was



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Went to his agricultural field to manure work, at the time, the respondent police way laid the petitioner's vehicle and implicated that as if the petitioner's vehicle involved in the crime. He would further submit that without prejudice, petitioner is ready to deposit a sum of Rs.5,000/- to the credit of the crime number and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that petitioner's JCB was involved in filling savadu soil and the petitioner used the savadu soil for making bricks and sold it in the market without any permission from the Government. He further submitted that there is no previous case against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, and also the fact that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the credit of crime No.242 of 2022, this Court is



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inclin~~ed~~ to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.242 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate, Katpadi** on condition that the petitioner shall execute a separate 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 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.



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[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.242 of 2022, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

**20.10.2022**

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