



Crl.O.P.No.30089 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 379 of IPC, 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 24.09.2022, while the defacto complainant, who is the Sub-Inspector of Police, Jadarpalayam Police Station, was on patrol duty, the petitioner along with two others have illegally transported 2 bags of river sand each in their vehicles bearing Registration Nos.TN 88 X 3911, TN 88 W 4768 and TN 49 AB 4620. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the petitioner.



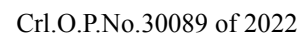
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4.The learned Government Advocate (Crl.Side) raised objection stating that the petitioner along with two others have illegally transported 2 bags of river sand each in their vehicles bearing Registration Nos.TN 88 X 3911, TN 88 W 4768 and TN 49 AB 4620. He would also submit that there are four cases pending against the petitioner. He would further submit that the earlier petition filed by the petitioner seeking anticipatory bail in Crl.O.P.No.24105 of 2022 was dismissed by this Court on 11.10.2022. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, 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 before the learned **Judicial Magistrate, Paramathi, Namakkal District**, 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 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:

[b] 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.

[c] the petitioner is directed to report before the respondent police every Wednesday at 10.30 a.m., until further orders;



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

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

[f] 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]**.

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

08.12.2022

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