



Crl.O.P.No.30339 of 2022

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**T.V.THAMILSELVI, J.**

The petitioner who apprehends arrest for the alleged offence under Sections 379 and 511 of IPC in crime No. 212 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, when the defacto complainant visited the quarry at Kalpadi on 15.11.2022, he found that the petitioner along with other accused persons excavated the stone without any valid permit by using two vehicles bearing registration No. TN 55 P 3694 and TN 36 D 8725 and ran away from the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a some amount to the charitable Trust as imposed by



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this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl Side) appearing for the respondent submitted that the petitioner had illegally excavated the stone without any valid permit by using two vehicles bearing registration No. TN 55 P 3694 and TN 36 D 8725 and ran away from the spot. He further submitted that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl Side), there is no previous case pending against the petitioners this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned District Munsif cum Judicial Magistrate II, Perambalur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction



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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 are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of Dhanabakkiammal Social Welfare Trust,D-3, 1/338, Vasantham Apartment,Sabari Salai, Madipakkam, Chennai -91A/C.No.921010003441816Bank : Axis Bank Branch:MadipakkamIFSCCode:UTIB0000083CellNo.98408 94264within a period of two weeks from the date of receipt of copy of this order,** without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[b] 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.

[c] the petitioners are directed to report before the respondent police as and when required for interrogation.

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

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

[f] On breach of any of the aforesaid conditions, the



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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.

**09.12.2022**

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**T.V.THAMILSELVI, J.**



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