



Crl.O.P.No.30495 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC, in Crime No.109 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the 1st petitioner is the driver and the 2nd petitioner is the owner of the JCB. When the Zonal Deputy Thasildar, Anchetty conducted a regular check, found that the vehicle was involved in transportation of one unit of red sand from the Government poramboke land without any valid permit. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent 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 some amount to any charitable trust as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

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



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the respondent submitted that the petitioners were illegally transporting one unit of red sand from the Government poramboke land. Hence he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Denkanikottai, on condition that the petitioners shall execute a separate 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:

[a] the each of the petitioners is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each separately to the **Society for the Educational and Economic Development (SEED) Reg., Sriperumbudur**. Account Name : SEED, A/C.No.2926101000002, Canara Bank, Sriperumbudur, IFSC CNRB0002926 Cell **No.9944812053**; within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court



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below.

[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 daily at 10.30 a.m. for a period of four weeks, thereafter 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 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]**.

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

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