



Crl.O.P.No.1190 of 2023

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T.V.THAMILSELVI, 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.7 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have transported 1 unit of river sand illegally by using Tractor with Trailer. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and that a case of sand theft has been fabricated against them. He would further submit that without prejudice to their contentions, the petitioners are jointly prepared to deposit an amount of Rs.15,000/- towards any charitable organization or association. Therefore, 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 Police would submit that the quantity of river sand involved is 1 unit. He would further submit that there are two previous cases pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned Counsel and also of the fact that the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7.Accordingly, the petitioners are jointly directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the Registered Advocate Clerk Association, Tiruvannamalai** and on such receipt and



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receipt of proof of payment, 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, Arani on condition that each of the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 station on every Wednesday at 10.30 a.m., for a period of eight weeks;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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