



Crl.O.P.No.4353 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 & 430 of IPC and Section 21(1) of MMDR Act in Crime No.358 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was involved in illegal transportation of 1/2 unit of river sand by using Tractor bearing Registration No.TN-20-CT-7032. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and that a case of sand theft has been fabricated against him. He would also submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that the quantity of river sand involved is 1/2 unit. He further submits that the petitioner is the owner cum driver of



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the vehicle. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard learned counsel on either side and perused the materials available on record.

6. Taking into consideration the fact that the petitioner, without prejudice to his rights, on his own volition is ready to deposit a sum of Rs.5,000/- to any of the Government Organization, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Registered Advocate Clerk Association, Thiruvallur** and on such receipt and receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Pallipet**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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.

(b) the petitioner shall report before the respondent police station on every Sunday at 10.30 a.m., for a period of four weeks;

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

(d)the petitioner 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 petitioner in accordance with



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law as if the conditions have been imposed and the

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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]*; and;

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

02.03.2023

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