



Crl.O.P.No.5212 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals (Development Regulation) Act, 1957, in Crime No.29 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported $\frac{1}{4}$ unit of river sand illegally by using Bullock Cart. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has earlier obtained an anticipatory bail before this Court in Crl.O.P.No.3542 of 2022 dated 16.02.2022. However, due to illness, he was unable to surrender and also deposit an amount as ordered by this Court before the Director, Cancer



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Institute (WIA), Adayar. However, since the petitioner was unable to raise funds and the time granted by this Court to execute the sureties got lapsed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the quantity of river sand involved is $\frac{1}{4}$ unit. He would further submit that the petitioner has no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his contention and defence the petitioner is ready and willing to deposit an amount of Rs.2,000/- to any welfare scheme run by the Government.

6. Heard both sides and perused the materials available on record.



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7. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to “**Taluk Legal Services Authority attached to the Court**” without prejudice to his rights and contentions before the trial Court.

8. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and the submissions of both sides and considering the fact that the petitioner being a disabled person, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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10. Accordingly, the petitioner is directed to deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) by way of Demand Draft/RTGS/NEFT to the "Taluk Legal Services Authority attached to the Court"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Judicial Magistrate, Vaniyambadi**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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.



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[b] the petitioner shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only)** as non-refundable deposit to the credit of the concerned **Taluk Legal Services Authority attached to the Court** within a period of fifteen (15) days from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police everyday at **10.30 a.m., until further orders.**

[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]**.



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

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