



Crl.O.P.Nos.5252 & 5345 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC, in Crime No.77 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Siththan, Special Tahsildar, is that the petitioners/accused have illegally transported 7 tons of lime stones in two lorries, viz., a lorry bearing registration No.TN 30 BR 8313 was transported one ton of lime stone and a lorry bearing registration No.TN 25 AK 1597 was transported six tones of lime stones. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and the petitioner in Crl.O.P.No.5252 of 2023 is an owner of the lorry and the petitioner in Crl.O.P.No.5345 of 2023 is a driver of the lorry. He would submit that they have been engaged by the third parties for transporting and by believing the third



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parties, they have transported the lime stones. He would further submit that there is no previous case is pending against them and without prejudice to their contention, the petitioner in Crl.O.P.No.5252 of 2023 is prepared to deposit an amount of Rs.25,000/- and the petitioner in Crl.O.P.No.5345 of 2023 is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners/accused have illegally transported 7 tons of lime stones worth about Rs.8,400/- in two lorries, viz., a lorry bearing registration No.TN 30 BR 8313 was transported one ton of lime stone and a lorry bearing registration No.TN 25 AK 1597 was transported six tones of lime stones. He would further submit that as far as these petitioners are concerned, there is no previous case against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Taking into consideration the facts and circumstances of the case and the voluntary submission made by the learned Counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner in Crl.O.P.No.5252 of 2023 shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned** and the petitioner in Crl.O.P.No.5345 of 2023 shall make a non-refundable deposit of Rs.10,000/-(Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned** and on such deposit and on 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-I, Sankari** on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand**



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only) with two sureties 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 petitioner in Crl.O.P.No.5252 of 2023 shall report before the respondent Police as and when required for interrogation.

[c] The petitioner in Crl.O.P.No.5345 of 2023 shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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



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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;

09.03.2023

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