



Crl.OP.No.5497 of 2023

A.D.JAGADISH CHANDIRA, J.

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 468, 471 and 420 IPC in Crime No.33 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have operated an Omni bus with fake permit. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given as against the petitioners. He would further submit that the first petitioner is the driver and the second petitioner is the owner of the Omni bus, both have approached a broker for obtaining permit and through the broker, they have obtained permit, whereas it was found that the broker had cheated them by giving a fake permit. He would further submit that the second petitioner, without prejudice to his defence, is ready and willing to deposit the tax amount to the Exchequer of the Tamil Nadu Government. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioners are respectively the driver and owner of Omni bus, they have plied the vehicle with fake permit. He would further submit that the petitioners have no previous case against them and the said vehicle is also seized by the authorities. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel and perused the materials available on record including the documents filed along with the petition.

6. Taking into consideration the facts and the submissions made by the counsel, this Court is inclined to grant anticipatory bail with certain conditions.

7. Accordingly, 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 **Judicial Magistrate No.III, Tirupathur, Tirupathur District**, on condition that the



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petitioners shall execute bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 second petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Regional Transport Authority, Krishnagiri, within a period of four weeks from the date on which the order copy made ready.

[c] the petitioners shall report before the respondent police on every day at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[e] the petitioners shall not abscond either during investigation or trial.

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[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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