



Crl.O.P.No.6238 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 alleged offences punishable under Sections 379 of IPC, in Crime No.77 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Siththan, Special Tahsildar, is that the petitioner/accused has illegally transported 7 tonnes of lime stones in two lorries, viz., in a lorry bearing registration No.TN 30 BR 8313 one tonne of lime stone was transported and in a lorry bearing registration No.TN 25 AK 1597 six tonnes of lime stones was transported. The said limestones were transported in the said tipper lorries without any valid permit and the entire contraband were seized by the respondent police. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he is the owner cum driver of the lorry



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bearing Registration No.TN 30 BR 8313. He would further submit that the co-accused in this case was granted anticipatory bail by this Court in Crl.OP.No.5345 of 2023 dated 09.03.2023. He would further submit that there is no previous case is pending against him and without prejudice to his contention, the petitioner 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 petitioner .

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner/accused has illegally transported 7 tonnes of lime stones worth about Rs.8,400/- in two lorries, viz., TN 30 BR 8313 and TN 25 AK 1597. He further submit that the petitioner is the owner of the vehicle TN 30 BR 8313. He would further submit that there is no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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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 petitioner with certain conditions.

6. Accordingly, the petitioner 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 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-I, Sangagiri** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand 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:



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[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 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]**;

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

21.03.2023

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A.D.JAGADISH CHANDIRA, J.



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