

**Crl.O.P.No.11131 of 2023****K.GOVINDARAJAN THILAKAVADI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 & 430 of IPC in Crime No.189 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 30.04.2023, the petitioner had attempted to transport 1 unit of river sand illegally by using his Tractor bearing registration No.AP-26-TD-8122.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in illegal possession of 1 unit of river sand. Therefore, 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.10,000/- to any welfare scheme run by the Government as may be directed by this Court.



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

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.10,000/- (Rupees Ten Thousand only) to “**the District Revenue Officer, Gummidipoondi, Thiruvallur District**” 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, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Vellore District"**, 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, Gummidipoondi, Thiruvallur District**, 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 am for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.

[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 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].

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

11.05.2023

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The learned counsel for the petitioner has brought to the notice of this Court that in Paragraph No.7 of the order dated 11.05.2023, in Crl.op.No.11131 of 2023, this Court directed to deposit the amount to the credit of **“the District Revenue Officer, Thiruvallur District”**, whereas in the order copy it is wrongly mentioned as **“the District Revenue Officer, Gummidipoondi, Thiruvallur District**. Further he would submit that in satisfaction Court in paragraph No.10 and in copy to portion satisfaction Court is wrongly mentioned as the **learned Judicial Magistrate, Gummidipoondi, Thiruvallur District** instead of **learned Judicial Magistrate, Thiruvallur District**. Hence, the case is posted today under the caption “for being mentioned”.

2. Accepting the submissions of the learned counsel for the petitioner, the paragraph No.7 & 10 of the order dated 11.05.2023, shall read as follows :

“ 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.10,000/- (Rupees Ten Thousand only) to “the



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District Revenue Officer, Thiruvallur District
*without prejudice to his rights and contentions before
the trial Court.*

"10. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Thiruvallur District", 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, Thiruvallur District , 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:"



3. To comply with the condition as directed by this court. Time extended by two weeks for executing sureties and comply with the condition from the date of receipt of a copy of this order.

14.06.2023

vsn

Note: 1.Registry is directed to issue a fresh order copy after making necessary corrections.



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