



Crl.O.P.No.14995 of 2023

Crl.O.P.No.14995 of 2023

G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 IPC in Crime No.293 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No.293 of 2023 for the offences under Section 379 IPC. Petitioner had permit for removing the sand. Petitioner has no previous case pending against him. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, petitioner was granted permission in Kangeyam Taluk, Nelili Village for the Survey Nos.791/1B(P), 797/1A(P) and 797/1B(P). However, the lorry bearing No.TN 18 BZ 7888 was driven in a route, which is not prescribed for transporting the sand. Thus, he prayed for dismissal of this petition.



CrI.O.P.No.14995 of 2023

4. Considering the nature of the allegations made in the first information report, and that the allegation against the petitioner that, he has permission for taking sand, but transported the sand in a different route and that the sand and the vehicle had been seized and that the material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioner is not necessary. Petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT** to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court. On such deposit and production of proof, 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, Dharapuram**, 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



CrI.O.P.No.14995 of 2023

WEB COPY

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 a.m., until further orders;

[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 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



WEB COPY



Crl.O.P.No.14995 of 2023

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

13.07.2023

gd

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.O.P.No.14995 of 2023

gd

Crl.O.P.No.14995 of 2023

13.07.2023