



Crl.O.P.Nos.15492 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 379 and 430 IPC in Crime No.351 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.351 of 2023 for the offences under 379 and 430 IPC. Petitioners are innocent. 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, accused were found illegally transporting 3/4 unit of gravel sand, at about 20.00 hours on 15.06.2023 in a tractor bearing No.TN 18 AR 0019 near Mallinkuppam Eri. Tractor and sand had been seized. Thus, he prays for dismissal of this petition.



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4. Considering the fact that this is the first case registered against the petitioner and that sand and tractor 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 petitioners is not necessary and petitioners are directed to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only) each by way of Demand Draft/RTGS/NEFT** to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to their rights and contentions before the trial Court. On such deposit and production of proof, 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 Court-I, Ponneri**, on condition that the petitioners shall execute separate bonds 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:



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[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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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].



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

14.07.2023

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