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Crl.O.P.No.16094 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Anadaraj, Ramadass, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 of I.P.C. in Crime No.373 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioners that, petitioners are falsely implicated in this case. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that on 03.07.2023, petitioners were found in illegal transportation of 3 units of pebble sand. He further submitted that sand and the vehicle involved were recovered. There is no similar previous case pending against the petitioners.

4.Considered the submissions and perused the records.



CrI.O.P.No.16094 of 2023

WEB COPY

5.Considering the quantity of the gravel sand said to have been stolen by the petitioners and its recovery, this Court is of the view that custodial interrogation of the petitioners is not necessary. Petitioners are directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)**each by way of **Demand Draft/RTGS/NEFT** to the credit of the **concerned District Mineral Foundation Trust**, 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 learned Judicial Magistrate No.II, Ulundurpet**, on condition that the petitioners shall execute separate 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:-



Crl.O.P.No.16094 of 2023

[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].

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

24.07.2023

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CrI.O.P.No.16094 of 2023

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CrI.O.P.No.16094 of 2023

24.07.2023