



Crl.O.P.No.16132 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners/accused 1 & 2, S.Nirmala and D.Sowrirajan, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 IPC, in Crime No.235 of 2023, on the file of the respondent police, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioners that petitioners are accused in Crime No.235 of 2023, for the alleged offence under Section 379 IPC. He further submits that they are innocent and thus, prays for anticipatory bail for the petitioners.

3.In response, the learned Government Advocate (Crl.side) submitted that on 07.07.2023, at about 9.00 a.m., defacto complainant found that the petitioners were taking sand from their patta land in S.No.480/2A-0.76.0, for manufacturing bricks without any permit. Therefore, FIR was registered. The vehicle used for taking sand and the vehicle had been recovered.



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4.Considering the fact that petitioners had taken sand from their patta land without any permission and the fact that the vehicle and sand had been recovered, this Court is of the view that custodial interrogation of the petitioners is not necessary and this Court is inclined to grant anticipatory bail to the petitioners and the petitioners are ordered to be released on bail in the event of their 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 II, Villupuram**, on condition that 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:

[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.



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[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 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].

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

21.07.2023

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