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Crl.O.P.No.16478 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Elumalai, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 & 430 of IPC in Crime No.344 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that petitioner is 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 02.07.2023 at about 05.15.p.m., when the respondent police was on regular patrol near Elavur Village, they found that the petitioner was found in illegal transportation of 1 1/2 units of savudu sand in his Bolero Pick Up Van bearing Reg.No.TN 20 AX 6043. He further submitted that sand and the vehicle involved were seized. Petitioner has no similar previous case.



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4.Considered the submissions and perused the records.

5.Considering the fact that the stolen savudu sand and the vehicle involved were seized and that material part of the investigation might have been over by this time and the petitioner has no similar previous case, 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.15,000/- (Rupees Fifteen Thousand only) by way of Demand Draft/RTGS/NEFT** to the credit of the **concerned District Mineral Foundation Trust**, 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 District Munsif Cum Judicial Magistrate, Gummidipoondi**, 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



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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 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



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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 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.

28.07.2023

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