



Crl.O.P.No.17087 of 2023

Crl.O.P.No.17460 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 468, 471 of I.P.C, in Crime No.97 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one T.Sathish, Sub-Inspector of Police attached to the respondent police made a complaint to the Inspector of Police on 05.09.2022 when he and home guard Krishnaraj went regular rounds found a vehicle standing in suspicious manner at Erikkarai bearing Registration No.TN 01 U 5274 in the name of Thirumurugan, earlier in the same registered lorry in the name of one Palanimurugan was seized by the same respondent police and it was registered against one Pasupathi in Crime No.51 of 2022. In the meantime, the said Pasupathi fabricated another in the same number plate and indulged sand theft, once the said Sathish confirmed the same and hence the said Pasupathi and Elumalai were arrested. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner is the real owner of the vehicle bearing Registration No.TN 69 NH 6442 which was given rent to one Pasupathi who indulged in illegal sand theft without the knowledge of the petitioner. He further submits that he is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that there is one previous case pending against one Pasupathi. He further submits that the petitioner is not present at the scene of the crime and there is no previous case against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the 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-I, Puducherry**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 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., for a period of four weeks 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.



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

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

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