



Crl.O.P.No.17912 of 2023

Crl.O.P.No.17912 of 2023

WEB C.V.SIVAGNANAM, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 379 & 430 of IPC in Crime No.83 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the officials of Respondent Police conducted vehicle checkup, they found that the tractor bearing Reg. No.AP 26 TD 7770 was illegally transported $\frac{1}{4}$ unit of savudu sand and they seized the said vehicle. Hence the complaint.

3.The learned Counsel for the Petitioners would submit that the first Petitioner is the owner of the tractor bearing Reg. No. AP 26 TD 7770 and the second Petitioner is the Driver of the Tractor. They have nothing to do with the alleged offences and they have only carried the sand from their own land for agricultural activities. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioners transported $\frac{1}{4}$ unit of savudu sand in tractor bearing Reg. No.AP 26 TD 7770, illegally. He is vehemently opposed to grant anticipatory bail to the Petitioners.

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



Crl.O.P.No.17912 of 2023

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offences, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions.

7.Accordingly, the 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 District Munsif cum Judicial Magistrate, Gummidipoondi**, on condition that the Petitioners shall execute a separate 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 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., for a period of three weeks and thereafter as and when required;

[c] the Petitioners shall not tamper with evidence or



Crl.O.P.No.17912 of 2023

WEB COPY

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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.08.2023

sai/spp



WEB COPY



Crl.O.P.No.17912 of 2023

V.SIVAGNANAM, J.

spp

Crl.O.P.No.17912 of 2023

14.08.2023