



Crl.O.P.No.20778 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 379 of IPC r/w. 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.93 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that 16.06.2023 when the Respondent police on patrol duty, A1 has ride the Hero Honda Splendor Plus, bearing Reg. No.TN 22 BT 5407 and A2 has ride Scooty Zest bearing Reg.No.TN 68 AB 1488, carrying river sand in three cement bags each. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner was not in the scene of occurrence and his name was not included in FIR, he is only the owner of the Scooty Zest, bearing Reg. No.TN 68 AB 1488. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that Petitioner's name was not included in the FIR and offending vehicle belongs to the Petitioner. He vehemently opposed to grant anticipatory bail to the Petitioner.



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

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and the nature and gravity of the offence, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

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 District Munsif cum Judicial Magistrate, Needamangalam**, on condition that the Petitioner 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 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 three weeks and thereafter as and when required;**



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[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the Petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

13.09.2023

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