



Crl.O.P.No.23330 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners seek anticipatory bail in Crime No.346 of 2023 registered by the respondent police for the offences punishable under Sections 379 & 430 of IPC.

2. The case of the prosecution is that the petitioners were alleged to have transported totally $\frac{3}{4}$ unit of river sand in three Bullock carts. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged occurrence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner has illegally transported $\frac{3}{4}$ unit of river sand in three Bullock carts without any permit. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, **the petitioners shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) each to the credit of District Revenue Officer, Thiruvannamalai District**, on such deposit and production of proof, 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 **Judicial Magistrate Court, Cheyyar**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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:



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[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 two weeks and thereafter, as and when required for interrogation.

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

10.10.2023

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