



Crl.O.P.No.26193 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.563 of 2023 registered by the respondent Police for the offences under Sections 147, 294(b), 324, 506(ii) r/w 307 IPC r/w Section 3(1) PPDL Act with respect to an occurrence which had taken place on 04.11.2023.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.The learned Government Advocate (Criminal side) stated the petitioner is involved in illegal sand mining and when that was informed, the petitioner and the other accused had assaulted the informant.

4.The learned counsel for the petitioner stated that there is no previous case under Mines and Minerals Act as against the petitioner. The petitioner is an auto driver and innocent of the offences. It is further stated that other accused person had been granted bail by the learned District and Sessions Judge, Nagapattinam.



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5. Taking into consideration of all the factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Thiruthoraipoondi**, 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 10.00.a.m., until further orders.

[c] the petitioner shall not tamper with evidence or



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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 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;

28.11.2023

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