



Crl.O.P.No.27209 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners herein seek anticipatory bail in Crime No.427 of 2023 registered by the respondent Police for the offence under Sections 379, 430 IPC and Section 21(1) of MMDR Act.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in Crime No.427 of 2023 registered by the respondent Police for the offence under Sections 379, 430 IPC and Section 21(1) of MMDR Act. Thus, he seek anticipatory bail to the petitioners herein.

3. It is stated by the learned Government Advocate (Crl.Side) that, on 29.10.2023 at 12.00 p.m., the respondent police with his subordinates conducted a check up under the limit of Kandili Police Station. At that time, they found that the petitioners herein were transporting 2 units of norambu sand in a Tipper Lorry bearing registration No.TN 57 AR 5969, without having any valid license and the same have been seized by the respondent police. He also stated that there is one previous case against them. Thus, he



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prayed for dismissal of this petition.

4. Taking into consideration the fact that the vehicle and 2 units of norambu sand had been seized from the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 Judicial Magistrate No - 2, Thirupathur**, 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.



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[b] the petitioners without prejudice to their defence shall jointly deposit a non-refundable sum of Rs.10,000/-, by way of Demand Draft to the District Revenue Officer, Thirupathur District and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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



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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]**;

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

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