

Crl.O.P.No.26463 of 2023**C.V.KARTHIKEYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 353, 307, 506(ii), 379 and 430 of I.P.C, in Crime No.240 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the respondent tried to prevent the sand being illegal transported in Bullock cart, all the accused had joined together and restrained the respondent Police from discharging their official duty and also threatened them with dire consequence. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent submits that as against A5, there are 5 previous cases pending; as against A10, there are 2 previous cases pending and as against A11, there are 4 previous cases pending. Hence, he opposed for grant of anticipatory bail to the petitioners.



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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, as far as A6, A9 and A10 are concerned, this Court is inclined to grant anticipatory bail to the above petitioners and as far as A5 and A11 are concerned, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, **petitioners/A6,A9 and A10 are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each one of them to the District Revenue Officer, Vellore District, failing which, the anticipatory bail shall stand dismissed,** the petitioners/A6,A9 and A10 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 Judicial Magistrate, Gudiyatham, Vellore District,** 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 said 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 said petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each one of them to the District Revenue Officer, Vellore District, within a period of two weeks, failing which, the anticipatory bail shall stand dismissed;

[c] the said petitioners shall report before the respondent Police on everyday at 10.30a.m., until further orders;

[c] the said petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the said 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 said petitioners in accordance with law as if the conditions have been imposed and the



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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.

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