



Crl.O.P.No.26851 of 2023

Crl.O.P.No.26851 of 2023

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.439 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 petitioner stated that the petitioner is an innocent person and he has been falsely implicated in Crime No.439 of 2023 registered by the respondent Police for the offence under Sections 379, 430 IPC and Section 21(1) of MMDR Act. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) that, on 12.06.2023, the respondent police with his subordinates conducted a routine check up under the limit of Aarani Village Police Station. Based on the secret information received by the Respondent, they checked near S.V.Nagaram Village Veterinary hospital, at that time, they found that the petitioner herein was transporting 1/4 units of river sand in a bullock cart, without having any valid license and the same has been seized by the



CrI.O.P.No.26851 of 2023

respondent police. Thus, he prayed for dismissal of this petition.

4. Taking into consideration the fact that the bullock cart and 1/4 units of river sand had been seized from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate, Arni**, 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.



Crl.O.P.No.26851 of 2023

[b] the petitioner without prejudice to their defence shall deposit a non-refundable sum of Rs.5,000/-, by way of Demand Draft to the District Revenue Officer, Thiruvannamalai 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 petitioner 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 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



Crl.O.P.No.26851 of 2023

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

27.11.2023

mkn2



WEB COPY



Crl.O.P.No.26851 of 2023

C.V.KARTHIKEYAN, J.

mkn2

Crl.O.P.No.26851 of 2023

27.11.2023