



Crl.O.P.No.28988 of 2023

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WEB COPY **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.279 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.11.2023, around 11.00 AM received the secret information that sand theft from River Kaveri has been taken place around the areas of Anichampalayam. The respondent stopped TATA 407 for inspection and the driver left the vehicle and ran away. The Vehicle Number is TN31 AA 1011. On inspecting the vehicle, the respondent police found 1/2 unit of sand being illegally transferred. Hence the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that two previous cases pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the nature of offence and the quantity of the material involved in this case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 - Paramathi, Namakkal District* 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 learned Magistrate concerned and on further condition that:



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[a] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

28.12.2023

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