



Crl.O.P.No.29049 of 2023

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P.DHANABAL, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.147 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.12.2023 at 21.55 PM when the defacto complainant was doing routine vehicle checkup along with Special Revenue Inspector, Geologist, Department of Geology and Mining, Dharmapuri District regarding Sand theft at H.Pudhupatti-Pappampatti road near by Vaagai Vidyalaya Matric School, that they found one Mahindra Tractor along with Trailer bearing Registration Number TN 29 CX 2764 with loaded 1 units of "Red Sand" taking without any permission from authorities and during the vehicle checkup the 2nd petitioner was escaped from that place. Subsequently the above said Tractor along with Trailer was seized by the respondent police. Hence this case.



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

4. The learned Government Advocate (Crl. Side) would submit that no previous case pending against the petitioners and the petitioner seized 1 unit of Red Sand illegally. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side and considering the fact that no previous case pending against the petitioners, considering the nature of offence and the quantity of the material, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. 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 *learned Judicial Magistrate, Paappireddipatti, Dharmapuri District* on condition that the petitioners 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:

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have

been imposed and the petitioners released on bail by the learned



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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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