



Crl.O.P.No.29149 of 2023

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

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 227, 278 and 431 of IPC in Crime No.1057 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners alleged to have transported sewage in a lorry bearing registration No.TN 20 S 3584 in the Gummudipoondi town panchayat without any valid license. Hence, the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent persons 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 the petitioners illegally transported sewage without any valid license. He would also submit that no previous case is pending against the petitioners.



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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 nature of offences charged against the petitioner and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

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 District Munsif-cum-Judicial Magistrate, Gummudipoondi*, 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 learned Magistrate concerned and on further condition that:



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WEB COPY [a] the petitioners shall report before the respondent police on every Saturday at 10.30 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 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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