



Crl.O.P.No.461 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/fifth accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 430 & 379 of IPC and under Section 21(1) of Mines and Minerals (Development and Regulation) Act and under Section 3(1) of Tamil Nadu Public Property (PRVNT of Damage & Loss) in Crime No.2039 of 2023, seeks anticipatory bail.

2. The accused Nos. 1 to 4 had been arrested and granted bail.

3. It is stated that all the accused were involved in theft of 2 units of river sand and in the course of the same, they had also damaged the river bund.

4. An affidavit had been filed by the petitioner undertaking not to damage any river bund or not to indulge in any theft of sand. The said affidavit is taken on record.

5. Similar affidavit should be filed before the Magistrate at the time of executing sureties.



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6. In view of these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 Judicial Magistrate No.II, Kanchipuram, 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.

[b] 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.

[c] the petitioner shall deposit a sum of Rs.10,000/- to the



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District Revenue Officer, Kancheepuram. Two weeks time is granted for deposit the said amount from the date of receipt of a copy of this order.

[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 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.

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