



Crl.O.P.No.9311 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 379 and 430 of IPC in Crime No.194 of 2022 on the file of the respondent/police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant One Guna, who is the Head Constable of Police lodged a complaint with the respondent police on 21.09.2022 alleging that the petitioners used JCB and Lorry Bearing Reg. Nos.TN – 26 – BF – 9233 and TN – 18 – AK – 1801 loaded illegal transportation of one unit ordinary soil. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the owner of the vehicle and they had used the above said vehicle only for ordinary soil loading. The petitioners have been falsely implicated in this case with a view to harass them. They are law abiding citizens and are ready and willing to furnish substantial sureties for their due release on anticipatory bail and they are ready to abide by any condition that may be imposed on them by this Court. Hence, the learned counsel prays to grant



anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the petitioners herein are habitual offenders. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are directed 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 Court cum Judicial Magistrate, Gumudipoondi**, 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 respondent/police or the police officer, who intends to arrest the petitioners, 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 petitioners and the sureties shall affix their



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photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

*(b) the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each to the credit of **Registered Advocate Clerks Association, Thiruvallur District**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;*

(c) the petitioners shall appear before the respondent police on every Wednesday at 10.30 a.m. for a period of eight weeks;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/trial Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;*

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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