



Crl.O.P.No.10790 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.248 of 2024, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sekar @ Udaiyakumar, who is the President of Poothurai Village Panchayat. On 09.04.2024, received a complaint from the general public that they caught a person drawing ground water in the tank. It is further alleged that A3, who is the Manager instructed the lorry driver A1 to draw about 90 liters of ground water. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that he is ready to abide by any conditions that may



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be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that without any prior permission, the petitioner along with others draw ground water. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Vanur***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who



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intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of the **Advocate Clerk Association, Puducherry** 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.

(b) **the petitioner is also directed to file an affidavit before entering the premises with the authority concerned.**

(c)the petitioner and the sureties shall affix their 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;

[d] **the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m, for a period of eight weeks;**

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] the petitioner shall not abscond either during investigation or trial;

[g] 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 has been imposed and the petitioner is 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]***; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

30.04.2024

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