



Crl.O.P.No.11231 of 2024

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K.KUMARESH BABU, J.

The petitioners seek anticipatory bail in Crime No.198 of 2024 registered by the respondent Police for the offences under Sections 379, 430 of IPC.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.It is stated that the petitioners have committed theft of 2 units of river sand from Serpadi, Uthirakaveri Lake in Mini Tipper Lorry bearing No.TN 23 CU 9032 with the help of JCB bearing Registration No.TN 23 CU 9877. Hence, he seeks for anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that the 2 units of river sand and the vehicle had been seized and hence, he opposed for granting anticipatory bail to the petitioners.



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5. Taking into consideration the fact that the vehicle and 2 units of river sand had been seized from the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 No.III, Vellore**, 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 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 petitioners 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 petitioners without prejudice to his defence shall deposit a non-refundable sum of Rs.20,000/-, by way of Demand Draft to the District Revenue Officer, Vellore District and that the receipt of such payment



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shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required.

[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 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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