



Crl.O.P.No.11202 of 2024

Crl.O.P.No.11202 of 2024

WEB COPY

K.KUMARESH BABU, J.

The petitioner seeks anticipatory bail in Crime No.96 of 2024 registered by the respondent Police for the offences under Sections 397, 430 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

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

3.It is stated that on 23.03.2024, the petitioner along with other accused, had committed theft of 4 units of river sand from G.R.Palayam Lake by using a Lorry bearing registration No.TN 32 BC 7975 and JCB bearing Registration No.TN 23 DY 3709. However, it is stated that the said 4 units of river sand had been recovered.

4.Taking into consideration of the fact that the Lorry along with 4 units of river sand and the JCB had been seized from the accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.11202 of 2024

WEB COPY

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Vellore, Vellore District**, 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 without prejudice to her defence shall deposit a non-refundable sum of **Rs.40,000/-**, by way of Demand Draft to the District Revenue Officer, Vellore District and that the receipt of such payment 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 her



Crl.O.P.No.11202 of 2024

guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner 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 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;

08.05.2024

jas



WEB COPY



CrI.O.P.No.11202 of 2024

K.KUMARESH BABU, J.

jas

CrI.O.P.No.11202 of 2024

08.05.2024