



CrI.O.P.No.11280 of 2024

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 332, 353, 506(ii), 379, 511 of IPC in Crime No.78 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was received information that the sand was smuggled from Swetha River. On receipt of information, he formed a team on 25.04.2024 at about 12.00 am they went near Valasagalpatti Bridge towards Swetha River and they found these petitioners were try to transport sand, on seeing them they were thrown stones on them and threatened them to go away. Hence the defacto complainant preferred a complaint before the respondent police. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners were transported sand. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of all the factors, anticipatory bail is granted to the petitioners 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.II, Attur*, 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 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



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of their Aadhar card or Bank pass Book to ensure their identity.

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

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] 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 Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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