



CrI.O.P.No.12428 of 2024

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C.SARAVANAN, J.

The petitioner apprehends arrest by the respondent for the alleged offence under Sections 379 and 430 of Indian Penal Code, 1860 in Crime No.277 of 2024, the petitioner approached the Court and seeks an order of anticipatory bail under Section 438 of Cr.P.C.

2. The case of the prosecution is that on 11.05.2024 at about 03:30 hours, while the respondent were in routine patrol duty, they found one Mahindra Bolero Load van bearing Registration No.TN-20-BB-7498 coming from opposite direction, on seeing the police, the driver of the van abandoned the vehicle and escaped from the place of occurrence and on search of the vehicle, the respondent police had found that one unit of river sand was being illegally transported, hence the respondent police seized the vehicle and registered the case against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in the case.



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Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein is the sole accused and already two cases of similar nature was registered against the petitioner herein, in which one case was closed and the other one was pending investigation. However, the petitioner has now resorted to the same offence of illegal excavation and transportation of river sand. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Having considered the submissions of the learned counsel for the petitioner and learned Government Advocate (Crl. Side) and considering the gravity of the offence, the Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance immediately on the following conditions :-

[a] the petitioner shall appear before the learned



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Judicial Magistrate, Thirukazhukundram within a period of fifteen days from the date on which the order copy made ready.

[b] 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.

[c] 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.

[d] the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the DRO, Chengalpattu** within a period of two weeks from the date of receipt of this order copy.

[e] the petitioner is directed to donate a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Sivananda Gurukulam, Kattankolathur, Chengalpet District**, within a period of two weeks from the date of receipt of this order copy.

[f] the petitioner shall report before the respondent police as and when required for interrogation and directed to co-operate for the investigation.

[g] the petitioner shall not tamper with evidence or



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witness either during investigation or trial.

[h] the petitioner shall not abscond either during investigation or trial.

[i] 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]**.

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

23.05.2024

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23.05.2024