



Crl.O.P.No.12862 of 2024

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 & 430 of the Indian Penal Code in Crime No.275 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand in bullock cart. Hence the complaint.

3. The learned counsel for the petitioner stated that the petitioner is an innocent person and that he is the only breadwinner of the family. Thus, he seeks anticipatory bail to the petitioner. The learned counsel for the petitioner also submitted that the petitioner is ready to deposit substantial amount before the District Revenue Officer, which can be utilised for sustainable development.

4. The learned Government Advocate (Crl.side) would submit that the petitioner along with his team has committed a theft of $\frac{1}{4}$ unit of river sand using bullock cart which had been seized. Hence, he opposed for grant anticipatory bail to the petitioner.



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5. Having regard to the nature of allegations made against the petitioner, and the facts and circumstances of the case, 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 days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Ambur**, 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 his defence, shall deposit a non-refundable sum of **Rs.3,000/-**, by way of Demand Draft to the District Revenue Officer, Thirupathur District and that the receipt of such payment shall be produced before the



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

[c] the petitioner shall report before the respondent police everyday at 10.30.a.m., until further orders.

[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 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**

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229A of the Indian Penal Code.

29.05.2024

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