



CrI.O.P.No.13892 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Section 379 of IPC r/w 21(1) of M.M.D.R.Act in Crime No.161 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that One Mr.Kishore Saravanan, Assistant Geologist attached to Mines Department, Kanchipuram had lodged a complaint stating that the petitioner herein has transported 4 units of rough stone (Chakkai Kal) in a lorry bearing Reg.No.TN-21 DL 7921 without valid permit on 29.05.2024. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is having valid permit and the trip sheet was mistakenly written as 28.05.2024 instead of 29.05.2024. On inspection only the petitioner came to know about the typographical error. He is willing to offer sufficient sureties and to abide by any conditions that may be imposed by this Court. Hence he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI. Side) vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner, and the learned



Government Advocate (Crl.Side) and perused the materials available on record.

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6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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 made ready, before the learned Judicial Magistrate No.II, Kanchipuram 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Registered Advocates Clerks Association, Kanchipuram, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(c) the petitioner shall appear before the respondent police 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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];



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and;

*(g) if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.*

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