



Crl.O.P.No.18400 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.248 of 2024, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is having licence to draw water upto the level of 90,000 litres per day. The defacto complainant, being the President of Poothurai Village Panchayat, had illegally demanded bribe to the petitioner. Since the petitioner refused to give bribe, the defacto complainant gave a false complaint against him. He further submits that he is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that despite fetching of water, there were disputes between the petitioner and the defacto complainant. The defacto complainant gave a complaint stating that the petitioner is illegally drawing water in the tanker lorry bearing registration No.PY01AG2529, without any valid permission. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

4.Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. However, the respondent police is directed to verify whether the petitioner is drawing water excess of 90,000 litres, as per his license.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial*



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Magistrate, Vanur, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties, **(out of which one surety must be blood surety)** 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 and on further condition that:

(a) the petitioner is directed to file an affidavit before the concerned Court stating that he will not draw water excess of 90,000 litres as per his license.

(b) 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;

[c] the petitioner shall report before the respondent police every Saturday at 10.30 a.m, for a period of eight weeks;

[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



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conditions has been imposed and the petitioner is released on

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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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

01.08.2024

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