



Crl.O.P.No.28865 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 & 430 of I.P.C, in Crime No.192 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Petitioner had illegally transported one unit of river sand by using Four wheeler viz., Bolero 207 without any permit. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that this is a second anticipatory bail Petition filed by the Petitioner and this Court by an order dated 25.08.2023 in Crl.OP.No.18901 of 2023, already granted Anticipatory bail to the Petitioner. He would further submit that on 08.09.2023, the Petitioner had executed sureties and due to health issues, he is not able to comply with the condition No.c imposed by this Court on 25.08.2023, subsequently, the learned District Munsif cum Judicial Magistrate, Arcot, cancelled the bail granted by this Court on 25.10.2023. Hence the present Petition for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that the Petitioner has not complied with the earlier condition imposed by this Court and he opposed for grant of anticipatory bail to



the Petitioner.

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5.Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) appearing for the Respondent Police.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the opinion of the Doctor dated 10.09.2023, viz., *“based on clinical condition and investigation he is suffering from back ache and not able to perform him normal duties”*, this Court is inclined to grant anticipatory bail to the Petitioner.

7.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 made ready, before the learned **District Munsif cum Judicial Magistrate, Arcot**, on condition that the Petitioner shall execute a separate 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



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pass Book to ensure their identity.

[b] the Petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required;

[c] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the Petitioner 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 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]. [f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

06.02.2024

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