



Crl.O.P.No.16537 of 2024

WEB COPY

**Crl.O.P.No.16537 of 2024**

**T.V.THAMILSELVI, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 303(2), 326(a) of Bharatiya Nyaya Sanhita (BNS) 2023 and Section 21(5) of Mines & Minerals (Development & Regulation) Act, in Crime No.289 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 by using bullock cart, without prior permission from the concerned officials. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police.

4. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined



Crl.O.P.No.16537 of 2024

WEB COPY

to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period fifteen days from the date on which, the order copy is made ready, before the **learned Judicial Magistrate, Cheyyar, Tiruvannamalai 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 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 is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of the Registered Advocate Clerk Association, Tiruvannamalai District, within a period of two weeks from the date of receipt of a copy of this order**, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall



Crl.O.P.No.16537 of 2024

accept the sureties furnished by the petitioner;

[b] 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.

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation.

[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

**T.V.THAMILSELVI, J.**

msrm



WEB COPY



Crl.O.P.No.16537 of 2024

petitioners 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]**.

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

15.07.2024

msrm

**Crl.O.P.No.16537 of 2024**