

**Crl.O.P. No.18770 of 2024****P. DHANABAL.J.,**

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The petitioner apprehends arrest for the alleged offences under Sections 303 (2), 326 (a) of BNS, 2023 r/w. Section 21 (1) of the Mines and Minerals (Development and Regulation) Act in Crime No.218 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 26.07.2024 at about 15:30 hrs, the petitioner was found with illegal possession of 1/4 unit of river sand in vehicle TATA 207 Ace bearing registration No.TN 22 AQ 2868 near Kulathikai River side, when the respondent police was on patrol duty. Hence the case.

3. The learned counsel appearing for the petitioner submits that petitioner has not committed any offence as alleged by the defacto complainant and the petitioner has been falsely implicated in this case; he is a law abiding citizen. He further submitted that the petitioner is ready and willing to furnish substantial sureties for his due release and to abide by any conditions that may be imposed by this Hon'ble Court and therefore, he prayed to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner by stating that petitioner was found with illegal possession of 1/4 unit of river sand in vehicle TATA 207 Ace bearing registration No.TN 22 AQ 2868 near Kulathikai River side, when the respondent police was on patrol duty and there is no previous case pending against the petitioner.

5. Considering the submissions made on both sides and considering the quantity of sand possessed by the petitioner and there is no previous case pending against the petitioner and the nature of offence, 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 (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Gudiyatham* 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 and on further condition that:



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[a] **the petitioner shall report before the respondent police on every Saturday for a period of four weeks and thereafter as and when required for interrogation;**

[b] the petitioner shall not abscond either during investigation or trial.

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

[d] 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]***.

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

05.08.2024

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To

- 1.The Judicial Magistrate, Gudiyatham.
2. The Inspector of Police, Melpatti Police Station, Melpatti, Vellore District.



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