



Crl. O.P. No.18998 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offence under Section 303(2) of B.N.S. Act in Crime No.278 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 28.07.2024 at about 5 p.m., when the Assistant Geologist Mines and Mineral Department had conducted a regular ride at Karimangalam Market and found that he carried 2 units of Norambu sand in the tractor with trailer bearing Registration No.TN83 A 5935 without any valid permission. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he has not indulged in any activities as alleged in the F.I.R and he has been falsely implicated in this case by the respondent police and he has not involved in any other case and hence he seeks anticipatory bail.

4.The learned Government Advocate (Criminal Side) would submit



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that the petitioner has committed theft of 2 units of Norambu sand by carrying in the tractor with trailer bearing Registration No.TN83 A 5935 without any valid permission. Hence he objected to grant anticipatory bail to the petitioner. However, the learned Government Advocate (Criminal Side) has represented that the petitioner has no previous case.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the fact that there is no previous case as against the petitioner and considering the nature of offences, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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 **Judicial Magistrate, Karimangalam** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m.; for a period of 4 weeks and thereafter as and when required for investigation.



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

[c] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 269 B.N.S. 2023.

08.08.2024

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To

1. The Judicial Magistrate, Karimangalam.
2. The Inspector of Police, Karimangalam Police Station, Dharmapuri.
3. The Public Prosecutor, High Court, Madras.



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