



Crl. O.P. No.19335 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 303(2) and 326 of the Bharatiya Nyaya Sanhita, 2023 and 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No. 267 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The prosecution's case is that, acting on information about illegal sand mining occurring in Korai Aaru near Kannampadi Puthupalam, the Sub-Inspector of Needamangalam Police Station, along with a Special Sub-Inspector and constable, conducted a search. They intercepted a lorry with Reg. No. TN-H-4878 that was carrying sand and seized ½ unit of sand. The individuals in the lorry fled the scene. The police identified one of them as Venugopal S/o Vairasundaram and seized the vehicle. Consequently, the FIR was registered by the respondent against the petitioner under Section 303(2) and 326 of The Bharatiya Nyaya Sanhita, 2023, and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957. Hence the case.



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3.The learned counsel for the petitioner would contend that the petitioner is innocent and not the owner of the lorry implicated in illegal sand mining. The petitioner has not committed any offence as alleged by the respondent police and hence, he seeks anticipatory bail.

4.The learned Government Advocate (criminal side) representing the respondent police submitted that the petitioner illegally transported a quarter unit of river sand. Although there are no previous cases against the petitioner for similar offenses, he opposed to grant anticipatory bail.

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

6.Considering the rival submissions on either side and considering the quantity of material involved in this case and also considering that there is no previous case pending against the petitioner, 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 anticipatory



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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, Needamangalam** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 10.30 a.m. for a period of four weeks, thereafter as and when required for interrogation;

[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].



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WEB COPY [e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

12.08.2024

jrs

To

- 1.The Judicial Magistrate, Needamangalam.
2. The Inspector of Police,
Needamangalam, Police Station,
Tiruvarur.
3. The Public Prosecutor,
High Court, Madras.



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