



Crl. O.P. No.19433 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 and 303(2) and 62 of BNS Act, 2023 in Crime No.72 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 16.07.2024, the petitioner along with other accused were illegally transporting one unit of river sand in a Tipper Lorry. As a result, a case has been registered against the petitioner.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioner has not committed any offence as alleged by the respondent police and hence, he seeks anticipatory bail.

4.The learned Government Advocate appearing for the respondent police would submit that the petitioner along with other accused were illegally transporting one unit of river sand in a Tipper Lorry. He further submitted that there was eight previous cases pending against the



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petitioner out of which he has been acquitted in three cases. Therefore, he

objected to grant anticipatory bail to the petitioner.

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

6.Considering the arguments from both sides, the nature of the offence, the quantity involved in the case, the recovery of the river sand by the authorities concerned, no similar kind of case is pending against the petitioner and other relevant aspects, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

7.Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory 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 cum Judicial Magistrate at Senthurai** 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



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every Saturday at 10.30 a.m. until further orders;

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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.

13.08.2024

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