



Crl. O.P. No.19083 of 2024

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P. DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 303(2), 326(a), BNSS, R/w 21(1) M.M.D.R. Act in Crime No. 630 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that The de facto complainant, a Revenue Inspector at the Thiruvottiyur Tahsildar's office, was conducting a vehicle check with other officials on 01.08.2024 at 7:00 p.m. in Ernavoor. During the check, they stopped a lorry with the registration number T.N.05-CE-2036 and found it carrying approximately 3 units of M-Sand without a transit slip. When questioned, both drivers fled the scene. The officials then seized the vehicle and handed it over to the respondent police. Based on the complaint, an FIR was registered. Hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them; the 1st petitioner is the owner of the lorry with Reg. No. T.N.05-CE-2036, and



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the 2nd petitioner is the driver of the said vehicle. The petitioners have not committed any offense as alleged in the FIR. It is further stated that they regularly transport sand using the lorry with the proper transit slip and have not violated any regulations. On the date of the incident, they claim to have collected the sand from the yard in compliance with the rules and hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) representing the respondent police submitted that the petitioners illegally transported six units of M-sand. Although there are no prior cases against the petitioners, the learned Government Advocate (criminal side) opposed granting them anticipatory bail.

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

6.Considering the arguments from both sides, the nature of the offense, and the fact that the petitioners have no prior cases of similar offenses, along with other relevant factors, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions.



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7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Thiruvottiyur** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of eight weeks, thereafter as and when required for interrogation;

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

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

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

12.08.2024

jrs



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To

1. The Judicial Magistrate, Thiruvottiyur.
2. The Inspector of Police,
M-5, Ennore Police Station(Law and Order)
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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