



Crl. O.P. No.19347 of 2024

Crl. O.P. No.19347 of 2024

P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 379, 430 of IPC r/w 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.71 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 02.03.2024, the complainant, Vanda, the Thasildar of Anaicut Taluk, lodged a complaint against the petitioner. The complaint alleges that the petitioner was illegally transporting 1 unit of river sand using a mini lorry (TN 07 M 6996) without authorization. As a result, a case has been registered against the petitioner. Hence the case.

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



Crl. O.P. No.19347 of 2024

police would submit that two units of river sand was leaving by the driver and the vehicle owner; there is no previous case as against the petitioner and the investigation is pending. 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 offense, the absence of previous cases as against the petitioner for similar offenses, the recovery of the river sand by the authorities concerned, 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 **Judicial Magistrate No-V, Vellore, Vellore District** 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



Crl. O.P. No.19347 of 2024

concerned and on further condition that:

WEB COPY [a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of eight weeks;

[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.

12.08.2024

jrs

P.DHANABAL,J



WEB COPY



CrI. O.P. No.19347 of 2024

jrs

To

1. The Judicial Magistrate No.V, Vellore, Vellore District.
2. The Inspector of Police, Pallikonda Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

CRL OP.No.19347 of 2024

12.08.2024