

**Crl.O.P. No.19397 of 2024****P. DHANABAL,J.**

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The petitioner apprehends arrest for the alleged offences under Sections 326(a), 303(2) of BNS, 2023 in Crime No.340 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found with illegal possession of seven units of river sand in a lorry vehicle bearing registration No.AP 39 UP 3929 by the defacto complainant, when they were on routine vehicle checkup at Bommajikulam check post. Then, the defacto complainant registered a complaint regarding the same with the respondent police. Hence the case.

3. The learned counsel appearing for the petitioner submits that petitioner has not committed any offence as alleged by the defacto complainant and the petitioner has been falsely implicated in this case; he is a law abiding citizen. He further submitted that the petitioner is ready and willing to furnish substantial sureties for his due release and to abide by any conditions that may be imposed by this Hon'ble Court and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner by



stating that petitioner was found with illegal possession of seven units of river sand in vehicle bearing registration No.AP 39 UP 3929 and there is no previous case pending against the petitioner.

5. Considering the submissions made on both sides and considering the quantity of river sand possessed by the petitioner and there is no previous case pending against the petitioner and the nature of offence, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned District Munsif cum Judicial Magistrate, Gummudipoondi*** 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] **the petitioner shall report before the respondent police everyday at 10.00 am until further orders;**

[b] the petitioner shall not abscond either during investigation or trial.

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



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[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 abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

12.08.2024

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To

- 1.The District Munsif cum Judicial Magistrate, Gummudipoondi.
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, F-5, Pathirvedu Police Station, Tiruvallur.



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