



Crl.OP.No.19413 of 2024

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WEB C **P.DHANABAL,J**

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(B) & 326 (a) of BNS, r/w 21(5) of MMDR ACT, 1957, in Crime No.325 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The prosecution's case is that on 04.08.2024, Mr. Shankar, the Sub-Inspector of Police, lodged a complaint with the respondent police. He reported that while on patrol duty with his team, they discovered the petitioner with a bullock cart carrying $\frac{1}{4}$ unit of river sand. It is further alleged that upon seeing the police, the petitioner fled the scene, abandoning the bullock cart and the sand. Consequently, a case was filed. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and that the alleged incident did not occur as claimed by the de-facto complainant; a false case has been foisted against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



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4. On the other hand, the learned Government Advocate representing the respondent police submitted that the petitioner was illegally transporting a quarter unit of river sand. Upon spotting the police, the petitioner fled the scene, abandoning the bullock cart with the sand. Hence, he objected to grant anticipatory bail to the petitioner.

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

6. After considering the representations made by both sides' learned counsels, and also considering the quantity of material involved in this case, and the fact that the petitioner has no previous cases of a similar nature, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is **allowed** and the petitioner is ordered to be released on anticipatory bail in the event of his 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-Court, Cheyyar**, 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



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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 respondent police 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 anticipatory 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



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P.DHANABAL,J

jrs

To

- 1.The Judicial Magistrate Court,
Cheyyar.
2. The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
- 3.The Additional Public Prosecutor,
Madras High Court,
Chennai.

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