



Crl.OP.No.19411 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 Sections 303(2), 326 of The Bharathya Nyaya Sanhita (BNS)2023 r/w 3(1) of TNPPDL Act in Crime No.280 of 2024, on the file of the respondent, seeks anticipatory bail.

2.It is a prosecution's case that Mr.Damodharan Kumar, S.I. of Police attached to the Respondent Police station has lodged a complaint on 26.07.2024 on the allegation that the Petitioner herein has transported sand by using his JCB to the 2nd & 3rd Accused tractor without any valid bill. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he did not committ any offence as alleged by the respondent police. Hence, he prays to grant anticipatory bail to the petitioner.

4. Per contra, the Government Advocate (criminal side) for the



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recovered; the petitioner is arrayed as A2, who is the owner of the JCP; A1 was granted bail and A3 and A4 were granted anticipatory bail. Although there is no previous case as against the petitioner, he opposed to grant anticipatory bail to the petitioner.

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

6. Considering the representations made by both sides' learned counsels, and considering the facts and circumstances of the case and also considering that there is no previous case against the petitioner, and the co accused also were released on bail, 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 No.I, Kanchipuram**, 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:



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[a] the petitioner 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 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.

13.08.2024

jrs



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P.DHANABAL,J

jrs

To

1.The Judicial Magistrate No.I, Kanchipuram.

2. The Inspector of Police,
Baluchettychathiram Police Station,
Baluchettychathira,
Kanchipuram district.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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