



Crl.OP.No.19486 of 2024

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P.DHANABAL,J

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 303(2) of The Bharathya Nyaya Sanhita (BNS)2023r/w 21(1) of MMDR Act, in Crime No.385 of 2024, on the file of the respondent, seeks anticipatory bail.

2.The prosecution's case is that on 09.07.2024, at around 4:00 AM, while the respondent police were conducting regular patrols within the limits of their station, they received information that river sand was being illegally transported by bullock cart. Consequently, they proceeded to the area near GH Kalamaruthur. Upon noticing the respondent police, the petitioner allegedly fled, untied the cows from the bullock cart, and abandoned the cart. It is alleged that the petitioner was illegally transporting 1/4 unit of river sand by bullock cart. Thus, the respondent police registered a case against the petitioner. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he is daily wager. He has been falsely implicated in this case, hence, he prays to grant anticipatory bail to the



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petitioner.

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4. The Government Advocate (criminal side) for the respondent police would submit that the petitioner was illegally transporting 1/4 unit of river sand by bullock cart; an investigation is pending, and there is no previous case as against the petitioner. Hence, 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 nature of offence and quantity of the material and also no previous case is pending as against the petitioner, 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-II at Ulundurpet**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only),



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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 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 petitioners 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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To

- 1.The Judicial Magistrate, Ulundurpet.
2. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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