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Crl.OP.No.19655 of 2024

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P.DHANABAL, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS in Crime No.315 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 01.08.2024, the petitioner along with other accused, had illegally transported 3 unit mud (earth) in a Tipper Lorry. Hence, the complaint.

3. The learned counsel for the petitioner would contend the petitioner is innocent and is no way connected with the alleged offence. He is ready to abide by any condition imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is the owner of the offending vehicle/Tipper Lorry. He



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would further submit that no previous case is pending as against the petitioner and the sand was also seized by the concerned authority.

However, he objected to grant bail to the petitioner.

5. Considering the rival submissions on either side and no previous case is pending as against the petitioner and the sand was also seized by the concerned authority and the petitioner is the owner of the property, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate No.V, Vellore, 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, failing which, the petition for



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anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS.

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