



Crl. O.P. No.20499 of 2024

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P.DHANABAL.J.,

The petitioner apprehend arrest for the alleged offence under Sections 281, 106, 303(2) of B.N.S. and section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Cr. No.201 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 30.07.2024 the defacto complaint/VAO, Thoppur Village, Dharmapuri District has given a complaint stating that the tractor with trailer bearing Reg.No.TN23-BV-0162 and Trailer bearing Reg.No.TN27 4258 containing norambu sand was capsized and two persons who travelled in the said vehicle were died on the spot at Thoppaiyaaru bridge. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is a senior citizen and owner of the tractor and trailer and he is no way connected with the above case and he is not aware of the alleged offence committed by the deceased persons and a false complaint has been foisted against the petitioner for the alleged offences under Sections 281, 106, 303(2) of B.N.S. and section 21(1) of Mines and Minerals



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(Development & Regulation) Act, 1957, that in fact, the petitioner is the owner of the tractor and trailer and he is no way connected with the above offence and he is not aware of the alleged offence committed by the deceased. The petitioner has been falsely implicated in this case. No previous case is pending against the petitioner. Therefore he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is the owner of the tractor and trailer and the deceased persons regularly involved in transporting illegal sand. While transporting the illegal norambu sand the tractor and trailer was capsized and the driver and cleaner died on the spot and he strongly opposed to grant anticipatory bail to the petitioner. However, the learned Government Advocate admitted that there is no previous case against the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that there is no previous case against the petitioner, considering the fact that the petitioner is the owner of the tractor and trailer and



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considering the nature of offences, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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.II, Dharmapuri** 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 learned Magistrate concerned and on further condition that:

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

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

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



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[e] 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].

[f] If the petitioner / accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S. 2023.

23.08.2024

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To

- 1.The Judicial Magistrate No.II, Dharmapuri
- 2.The Inspector of Police, Dharmapuri Police Station, Dharmapuri District
- 3.The Public Prosecutor, High Court, Madras.



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