



Crl.O.P.No.20495 of 2024

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WEB C **P.DHANABAL,J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379, 430 of IPC read with 21 (5) of Tamil Nadu Mines and Minerals (Regulation and Development) Act, 1957, in Crime No.256 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 16.06.2024, the petitioner the petitioner was found illegally transporting 1/4 unit of river sand in a bullock cart. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed to grant anticipatory bail to the petitioner stating that the petitioner was found transporting quarter unit of river sand illegally. However, he submitted that there is no previous case against the petitioner.



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5. Considering the submissions of both sides and the quantity of material involved in this case and also of the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Cheyyar**, 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 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 and thereafter, as and when required for investigation.

[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 learned



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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 v. State of Kerala [(2005) AIR SCW 5560].

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S

23.08.2024

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To

- 1.The Judicial Magistrate, Cheyyar.
- 2.The Inspector of Police, Pernamallur Police Station,
Thiruvannamalai District.
- 3.The Public Prosecutor, High Court, Madras-600 104.



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