



WEB COPY



Crl.O.P.No.20817 of 2024

Crl.O.P.No.20817 of 2024

P.DHANABAL, J.

The petitioner apprehends arrest for the alleged offences under Section 379 of the B.N.S.Act 2023 r/w Sections 21(1) and 21(4) of the Mines and Mineral Act, 1957 and in Crime No.243 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that based on a complaint given by the *de facto* complainant, the respondent police found the petitioner illegally transporting 2 units of gravel sand in a tipper lorry without valid license issued by the Government. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner had not committed any offence as alleged and the petitioner had been falsely implicated in this case. He submitted that the petitioner is willing to furnish substantial sureties for his due release and abide by any condition that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner .



CrI.O.P.No.20817 of 2024

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner was found illegally transporting 2 units of gravel sand without proper license and the materials were seized and there is no previous case as against the petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and also taking into consideration the quantity of materials siezed and that there is no previous case pending as 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/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***District Munsif-cum-Judicial Magistrate, Karimangalam*** 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



CrI.O.P.No.20817 of 2024

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, for four weeks.**

[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 him from disclosing such facts of 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.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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***



Crl.O.P.No.20817 of 2024

[(2005)AIR SCW 5560].

WEB COPY

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

28.08.2024

vca



WEB COPY



Crl.O.P.No.20817 of 2024

P.DHANABAL, J.

vca

Crl.O.P.No.20817 of 2024

28.08.2024