



Crl.O.P.No.21184 of 2024

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P.DHANABAL, J.

The petitioners apprehend arrest for the alleged offences under Section 303(2) of the B.N.S.Act r/w Section 21(1)(iv) of the Mines and Minerals Act in Crime No.216 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported red sand without valid license from the Government. Hence, the complaint.

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



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners were found illegally transporting three units of red sand without valid license and the first petitioner is the owner and the second petitioner is the Driver of the lorry respectively. He further submitted that there are no previous cases as against the petitioners and also all the materials were seized and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioners and as all the materials were seized and that there are no previous cases as against the petitioners, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate No.2, Dharmapuri*** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (each) (Rupees Ten



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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 petitioners shall report **before the respondent police on every Saturday, for four weeks.**

[b] the petitioners 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 then from disclosing such facts of the Court or to any police officer.

[c] the petitioners shall not leave India without the previous permission of the Court.

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

[e] the petitioners shall make themselves available for interrogation by a police officer as and when required.



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[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]***.

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

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