



**Crl.O.P.No.21534 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 offences punishable under Sections 303(2), 326(a) of Bharatiya Nyaya Sanhita (B.N.S) Act r/w Section 21(1) of Mines and Minerals Act, 1957 in Crime No.399 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have transporting 1.5 units of river sand by using a tractor bearing Registration Number TN 25 AC 5527. Hence the complaint.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. The petitioners have not committed any offence as alleged by the respondent police and hence, he seeks anticipatory bail.

4.The learned Government Advocate appearing for the respondent police would submit that the petitioner said to have transporting 1.5 units of river sand by using a tractor bearing Registration Number TN 25 AC



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5527. He further submitted that co-accused in this case has been released on bail. However, he objected to grant anticipatory bail to the petitioner.

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

6. Considering the arguments from both sides, the nature of the offence, the quantity involved in the case, the recovery of the river sand by the authorities concerned, that co-accused in this case has been released on bail and other relevant aspects, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Arni, 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 everyday for a period of 30 days and thereafter as and when required for interrogation.



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[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 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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