



Crl. O.P. No.21423 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused, who apprehend arrest in the hand of the respondent police for the offences punishable under Section 303(2) of B.N.S. 2023 and Section 21(1) of Mines & Minerals (Development Regulation) Act 1957 in connection with the Cr. No.442 of 2024, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant, Assistant Director, Geography and Mining Department were inspecting the vehicles in Kuppanatham Dam Road, Paramanandal Village, Chengam Taluk, Tiruvannamalai on 24.08.2024 at about 1 p.m, he found a green colour Johndeer Tractor vehicle without Registration number, transporting 1 unit of red sand without license. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, that they have been falsely implicated in this case, that the 1st petitioner had duly obtained license to transport sand and only minimum quantity of sand is involved in this case, that they had not indulged in any illegal activities as alleged by the respondent police and they are ready to abide by any condition imposed by



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this Court. Hence 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 would contend that the petitioners have illegally transported red sand in a tractor without registration number, without having valid license. Hence he objected for the grant of anticipatory bail. Further he submitted that the petitioners have no bad antecedents.

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

6. Considering the arguments putforth on either side, considering the nature of offences and quantity of materials involved in this case and that no previous case is pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Chengam** on condition that the petitioners shall



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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 petitioners shall report before the respondent police on every Saturday at 10.00 a.m. for a period of 4 weeks and thereafter as and when required for interrogation.

[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 them from disclosing such facts to 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] 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 B.N.S.2023.

05.09.2024

mjs

To

- 1.The Judicial Magistrate, Chengam
2. The Public Prosecutor, High Court, Madras.
- 3.The Sub-Inspector of Police, Chengam Police Station, Tiruvannamalai.

P.DHANABAL,J
mjs

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