



Crl.O.P. No.21433 of 2024

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WEB CO P.DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 303(2) of BNS r/w.Sec.21(1) and 21(4) of Mines and Minerals (Development & Regulation) Act in Crime No.582 of 2024, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that on 16.08.2024 at about 01.00p.m. the respondent police and Mines Department officials were conducted vehicle checkup at Eripudur, at that time, the petitioners were found in illegal possession of 6units of ordinary stones in a Truck bearing registration No.AP-39-Y-1740 without any valid license. Hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are not involved in the said offence. There is no previous case as against these petitioners. These petitioners are innocent persons and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police and hence he seeks anticipatory bail to the petitioners.



Crl.O.P. No.21433 of 2024

4. The learned Government Advocate (Criminal Side) would submit that the respondent police and Mines Department officials were conducted vehicle checkup at Eripudur, at that time, the petitioners were found in illegal possession of 6 units of ordinary stones. There is no previous case against these petitioners. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence and the quantity of materials involved in this case, no previous case is pending against the petitioners and considering other aspects, this court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on anticipatory 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 **District Munsif cum Judicial Magistrate, Vazhapadi** on condition that the petitioners shall execute separate bond for a sum of



Crl.O.P. No.21433 of 2024

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 daily at 10.00 a.m for the period of 30 days;

[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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioners shall not leave India without the prior 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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CrI.O.P. No.21433 of 2024

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

03.09.2024

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Crl.O.P. No.21433 of 2024

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Crl.O.P.No.21433 of 2024

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