



Crl. O.P. No.21551 of 2024

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P.DHANABAL.J.,

The petitioners apprehends arrest for the alleged offences under Sections 303(2) of Bharatiya Nyaya Sanhita, r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.234 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioners said to have transporting river sand in 3 bags in a two wheeler. Hence the complaint.

3.The learned counsel for the petitioners would contend that the petitioners are 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 petitioners said to have transporting river sand in 3 bags in a two wheeler. He further submitted that there is no previous case pending against the petitioners. However, he objected to grant anticipatory bail to the petitioners.



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6. Considering the arguments from both sides, the nature of the offence, the quantity involved in the case, the seizure of the river sand by the authorities concerned and there is no previous case pending against the petitioners and other relevant aspects, 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 No.1, Mayiladuthurai** 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 petitioners shall report before the respondent police on every Saturday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either



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during investigation or trial.

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[c] the petitioners 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 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].

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

04.09.2024

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P.DHANABAL,J



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