



Crl.OP.No. 22217 of 2024

P. DHANABAL, J

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The petitioner who apprehends arrest for the alleged offences punishable under Sections 303(2) of BNSS Act, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No. 468 of 2024 on the file of the respondent police seeks anticipatory bail.

3. The case of the prosecution is that the petitioner had transported red sand by using JCB vehicle bearing Registration No. TN-49-AB-1665 without any valid license from the Government. Hence the complaint.

4. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and no previous case is pending against him. However, the petitioner is ready and willing to abide any stringent conditions may be imposed by this Court. Therefore, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for



the respondent submitted that the petitioner had transported red sand by using JCB vehicle bearing Registration No. TN-49-AB-1665 without any valid license from the Government. He further submitted that investigation has been completed and no previous case is pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the above submissions made by the learned Counsel on either side, considering that the nature of offences, the quantity of red sand is not mentioned in the FIR, there is no previous case pending against the petitioner, and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is 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 ***learned Judicial Magistrate, Vanur, Villupuram District***, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of



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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 petitioner and the sureties shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every Saturday at 10.00 am for a period of four weeks.

[c] the petitioner 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 or tamper with the evidence.

[d] the petitioner shall not leave India without the prior permission of the Court.

[e] the petitioner shall not abscond either during



investigation or trial;

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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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS;

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