



Crl. O.P. No.22051 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused, who apprehends 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 and Minerals (Development & Regulation) Act 1957 in connection with the Cr. No.354 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, on 30.08.2024, when the defacto complainant, an Assistant Geologist in the Geology and Mines & Minerals (Development & Regulation) Act, was in patrol at Thuttampatty Rountana, found the Tipper Lorry bearing Registration No.TN42 AB 3922 was carrying 5 units of soil without having valid license. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that for the statistical purpose, this case has been registered by the respondent police against the petitioner, that he has been falsely implicated in this case, that he had not indulged in any illegal activities as alleged by the respondent police and he is ready to abide by any condition imposed by this Court. Hence he prayed to grant



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anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the petitioner was illegally transporting 5 units of soil in the Tipper Lorry bearing Registration No.TN42 AB 3922 without having valid license and hence he objected for the grant of anticipatory bail. Further he submitted that the petitioner has 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, that the petitioner is only a driver of the vehicle and that no previous case is pending against the petitioner, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Omalur, Salem** on condition that the petitioners shall execute



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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 on every Saturday at 10.00 a.m. for a period of 4 weeks and thereafter as and when required for interrogation.

[b] 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;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner 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 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].



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

under Section 269 B.N.S.2023.

09.09.2024

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To

- 1.The Judicial Magistrate, Omalur, Salem
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Tharamangalam Police Station, Salem District.

P.DHANABAL,J
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