



Crl. O.P. No.22221 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused 1 & 2, who apprehend arrest in the hand of the respondent police for the offences punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in connection with the Cr. No.505 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 18.06.2024, when the police personnel were in regular check up at Adhanur Village, they found a JCB bearing Registration No.TN32 Q 3828 with Tipper Tractor (Deutz fahir) was carrying 1 unit of lake sand without having valid permit. Hence the case.

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



Crl. O.P. No.22221 of 2024

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that the petitioners were illegally transporting 1 unit of lake sand in a JCB bearing Registration No.TN32 Q 3828 with Tipper Tractor (Deutz fahir) without having valid license and hence he objected for the grant of anticipatory bail. Further he submitted that the petitioner has no previous case against him.

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 considering the fact that there is no previous case 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, Arni** on condition that the petitioners shall execute a



Crl. O.P. No.22221 of 2024

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



Crl. O.P. No.22221 of 2024

of Kerala [(2005)AIR SCW 5560].

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under Section 269 B.N.S.2023.

11.09.2024

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To

- 1.The Judicial Magistrate, Arni
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Arni Taluk Police Station, Tiruvannamalai District.

P.DHANABAL,J
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Crl. O.P. No.22221 of 2024

CRL O.P. No.22221 of 2024

11.09.2024