



Crl.O.P. No.22473 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offence under Section 379 of IPC r/w.Section.21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.260 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the respondent police found that the petitioner was illegally taking granite stone and sand in his patta land without getting any permission or license from the Government. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is the owner of the property, he is cleaning his land for construction of building and removed waste stone. This petitioner did not take any granite stone in his land. This petitioner has not involved in any offences as alleged by the prosecution. This petitioner is an innocent person and he has not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that this petitioner was taking granite stone and sand in his patta land without getting any permission or license from the government. There is no previous case as against the petitioner. 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 allegations levelled against this petitioner, petitioner is the owner of the property, there is no previous case against the petitioner and considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, 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 **Judicial Magistrate, Denkanikottai** on condition that



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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 petitioner shall report before the respondent police on every Saturday at 10.00a.m. for the period of 4 weeks;

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

[c] the petitioner shall not leave India without the prior 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.

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