



Crl.O.P.No.28161 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Section 303(2) of BNS Act and 21(1) of Mines and Minerals (D&R) act 1957 in Crime No.340 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner committed an offence of soil theft of about 2 units. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner committed an offence of soil theft of about 2 units and he further submitted that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner, quantity of material involved in this case and no previous case is pending against the petitioner and also considering that this petitioner is only the owner of the vehicle, already driver of the vehicle was arrested and released on bail, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate, Sirkazhi** 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 respondent



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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 shall report **before the respondent police daily at 10.30 A.M. for a period of 30 days.**

[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 of 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] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[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 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***



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[(2005)AIR SCW 5560].

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

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