



Crl.O.P. No.24471 of 2024

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P. DHANABAL, J.

The petitioners / A1 and A2 apprehend arrest for the alleged offence under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 303 of BNS in Crime No.216 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the respondent police found that the petitioners were illegally transported 1/4 unit of river sand without getting any property license or permit from the Government. Hence the case.

3. The learned counsel for the petitioners would contend that the petitioners have not involved in any offences as alleged by the prosecution. These petitioners are innocent person and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police. Hence, he seeks anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioners were illegally transported 1/4 unit of river sand without getting any license or permit. There is no previous case as against the petitioners. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offence and the quantity of material involved in this case, there is no previous case against the petitioners and considering other aspects, this court is 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 (15) days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Jayamkondam, on condition that each one of the petitioners shall execute a bond for a sum of ***Rs.10,000/- (Rupees Ten***



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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 the period of four weeks.

[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 or tamper with the evidence.

[c] the petitioners shall not leave India without the prior 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 of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

03.10.2024

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