



Crl.O.P.No.25108 of 2024

K.GOVINDARAJAN THILAKAVADI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS) Act and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.198 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was indulged in illegal transportation of 3 units of gravel sand in the Tipper Lorry bearing registration No.TN-28-BC-7815, without any permission. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offense as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice to his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court. Hence, he prayed to grant



anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner stating that the petitioner was indulged in illegal transportation of 3 units of gravel sand in the Tipper Lorry.

5. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the fact that the petitioner, on his own volition, has agreed to contribute some amount to any charitable trust, 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 appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate No.I, Dharmapuri***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, for a like sum to the satisfaction of the respondent 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 is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of **Tamil Nadu Advocate Clerk Association, Chennai**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below, at the time of executing sureties;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] **the petitioner shall report before the respondent Police every Saturday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[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 has been imposed and the petitioner is 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]; and;

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[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269-BNS;

09.10.2024

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