



Crl.O.P. No.25389 of 2024

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**P. DHANABAL.J.,**

The petitioner apprehends arrest for the alleged offences under Sections 303(2) and 326 (a) of BNS Act and r/w. Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.252 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the respondent police conducted check up, at that time, they found that the accused persons were illegally transported eight cement bags with river sand without having valid license or permit. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this petitioner. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the accused person was illegally transported eight bags of cement with river sand without having any valid license or permit. The cement bags and river sand was seized by the concerned authorities. The petitioner is having one previous case, in that case, he already released on bail. 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 offence and the quantity of material involved in this case, the eight bags of cement and the river sand were seized by the concerned authorities, though the petitioner is having one previous case, in that case, he already released on bail and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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**WEB COPY** 7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate at Gudiyatham, Vellore District** 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 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 four 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



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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].

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

**17.10.2024**

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