



Crl.O.P.No.25627 of 2024

Crl.O.P.No.25627 of 2024

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

The petitioners apprehend arrest for the alleged offences under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 21(1), 21(4) of the Mines and Minerals (Development & Regulation) Act 1957 Crime No.102 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the VAO in Nagamarai Village filed a compliant against the accused No. 1 to 7 that without proper permission from the Government, the accused persons have illegally transported the lake soil.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. Based on the confession statement, these petitioners arrived as an accused. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant



Crl.O.P.No.25627 of 2024

anticipatory bail to the petitioners.

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the accused No 1-7 illegally transferred the lake soil with proper permission and he further submitted that there is no previous case pending against the petitioners. However, he opposed to grant bail to the petitioners.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioners and nature of minerals involved in this case and also considering that based on the confession statement of the co-accused, these petitioners were arrayed as an accused in this case and there is no previous case is pending against the petitioners, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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

District Munsif Cum Judicial Magistrate, Pennagaram on condition that



Crl.O.P.No.25627 of 2024

the petitioners 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 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 petitioners shall report **before the respondent police on every Saturday at 10.30 A.M. for a 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 him from disclosing such facts of the Court or to any police officer.

[c] the petitioners shall not leave India without the previous permission of the Court.

[d] the petitioners shall not abscond either during investigation or trial.

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



CrI.O.P.No.25627 of 2024

[f] 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]***.

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

21.10.2024

nsI



WEB COPY



Crl.O.P.No.25627 of 2024

P.DHANABAL, J.

nsI

Crl.O.P.No.25627 of 2024

21.10.2024