



Crl.O.P.No.26544 of 2024

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P.DHANABAL,J.

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 303 and 326(a) of the Bharatiya Nyaya Sanhita 2023 and 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.700 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were illegally transported 2 units of river sand without having valid permission. 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. He further submits that the petitioner is the owner of the vehicle and the same was misused by the employee of the petitioner. He further submits that the petitioner has no previous case and even the Crime Nos.480/2016, 507/2016, 337/2019, 414/2022 is not correct and the same



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was verified by the lower court counsel in the jurisdictional court and even in Cr.No.351/19, the name and age in the FIR does not tallies and all on the file of the Inspector of Police, Arni Taluk Police Station, Tiruvannamalai District. He further submits that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the the petitioner along with other accused persons were illegally transported 2 units of river sand without having valid permission. He further submits that the petitioner's earlier anticipatory bail application was dismissed by this Court vide order dated 26.09.2024 in Crl.OP.No.23606 of 2024 on the ground that the petitioner is having five similar kind of offences. He further submits that the co-accused was arrested and enlarged on bail. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Considering the nature of offences charged against the petitioner and quantity of river sand involved in this case and also the fact that the co-accused/driver of the vehicle was arrested and enlarged on bail and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on 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, Arni** 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:



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[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

29.10.2024

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