



Crl.O.P.No.26162 of 2024

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WEB CO **P.DHANABAL, J.**

The petitioners apprehend arrest for the alleged offences under Section 303(2) of BNS, 2023 r/w section 21(1) of Mines and Minerals (D & R), 1957 in Crime No.127 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that petitioners were illegally transported 1 unit of river sand. Hence, the complaint.

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. 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 anticipatory bail to the petitioners.



Crl.O.P.No.26162 of 2024

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners were illegally transported 1 unit of river sand and five previous cases are pending against the first petitioner and no previous case is pending against the second petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioners and quantity of material involved in this case and though some previous cases are pending against the first petitioner, in all cases he was released on bail, 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, Vedaranyam*** on condition that 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



CrI.O.P.No.26162 of 2024

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 daily at 10.30 A.M. for a period of 30 days.**

[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.

[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



CrI.O.P.No.26162 of 2024

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.

22.10.2024

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Crl.O.P.No.26162 of 2024

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Crl.O.P.No.26162 of 2024

22.10.2024