



Crl. O.P. No.26472 of 2024

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P. DHANABAL.J.,

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 326 and 303(2) of B.N.S. and IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in connection with the Cr. No.473 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 29.09.2024, when the respondent police were in official inspection near Tiruvamur River bed, they found the accused transported two bags of river sand illegally in the Hero Honda two wheeler without having any valid permission. Hence the case.

3. The learned counsel for the petitioner would contend that false case has been registered as against the petitioner for statistical purpose and he has not committed any offence as alleged by the prosecution and he is ready and willing to comply with any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit



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that the accused was caught red handed while he had indulged in transportation of two bags of river sand near Tiruvamur River bed in a two wheeler Hero Honda without having any valid permission and hence he objected to grant anticipatory bail to the petitioner. He further submitted that there is one previous case pertaining to NDPS Act, but no previous case of similar kind of offence.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offence involved in this case and there is no previous case pending as against the petitioner for similar kind of offence, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 **Judicial Magistrate Court No.II, Panruti** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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 for 4 weeks and thereafter as and when required for interrogation;

[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;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond either during 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



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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.

25.10.2024

mjs

To

- 1.The Judicial Magistrate Court No.II, Panruti
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Pudupettai Police Station, Cuddalore District.

P.DHANABAL,J
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03.10.2024