



Crl.O.P.No.26679 of 2024

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P.DHANABAL,J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 303(2) of BNS r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.88 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally transported 3 bags of river sand without having valid permission. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He further submits that He further submits that the petitioners are ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the the petitioners were illegally transported five



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bags of river sand without having valid permission. He further submits that the the petitioner is having two previous cases and the second and third petitioners have no previous cases against them. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners 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 petitioners and quantity of materials involved in this case and there is no previous case against the second and third petitioners, though one previous against the first petitioner, in which, he was enlarged on bail and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court-II, Ariyalur** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand



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only) with two sureties each for a like sum 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 tamper with evidence or witness either during investigation or trial.

[c] the petitioners 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 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].

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

25.10.2024

Vv



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