



Crl.O.P.No.26678 of 2024

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P.DHANABAL, J.

The petitioners apprehends arrest for the alleged offences under Section 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.793 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have transported half unit of alluvial soil illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and he has 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 petitioner.

4. The learned Government Advocate (Criminal Side) appearing for



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the respondent police opposed for granting anticipatory bail to the petitioners by stating that petitioners were found with illegal possession of half unit of alluvial sand and there is no previous case pending against the petitioners.

5. Considering the submissions made on both sides and considering the quantity of the material involved in this case and there is no previous case pending against the petitioners and the nature of offence, 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 ***Learned Judicial Magistrate No.1, Vailupuram District***, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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[a] the petitioners shall report **before the respondent police every Saturday 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.

[f] 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]***.

[g] If the petitioners thereafter absconds, a fresh FIR



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can be registered under Section 269 B.N.S.

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