



Crl.O.P.No.27317 of 2024

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P.DHANABAL,J.

The petitioners/A1 to A5 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 r/w 303(2) of BNS 2023 in Crime No.248 of 2024 seek anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally transported ½ units of river sand each in five bullock carts 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 the petitioners are ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioners were illegally transported ½ units of river sand each in a five bullock carts respectively. He further submits that there is no previous case against A4 and A5 and there are two previous cases against A1, A2 and A5. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

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 levelled against the petitioners and quantity of river sand involved in this case and also the fact that there is no previous case against A4 and A5, though, there are two previous cases against A1, A2 and A5, bail was granted to them in all cases and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 **Judicial Magistrate Court-II, Jayankondam** on condition that each of the petitioners shall execute separate bonds 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:

[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



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[(2005)AIR SCW 5560].

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

30.10.2024

Vv



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