



Crl.O.P.No.27069 of 2024

Crl.O.P.No.27069of 2024

WEB COPY

P.DHANABAL,J.

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita 2023 and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.219 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were illegally transported 3 units of river sand without having valid permission. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.



CrI.O.P.No.27069 of 2024

WEB COPY

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the the petitioner along with other accused persons were illegally transported 3 units of river sand without having valid permission. He further submits that there is previous case against the petitioner. He further submits that the co-accused was arrested and still in custody. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Considering the nature of offences charged against the petitioner and quantity of river sand involved in this case and also the fact that the petitioner is the owner of the lorry and the driver of the lorry was secured and he is still in custody and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.27069 of 2024

WEB COPY

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-I, Nagapattinam** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and



CrI.O.P.No.27069 of 2024

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].

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

29.10.2024

Vv



WEB COPY



Crl.O.P.No.27069 of 2024

P.DHANABAL, J.

Vv

Crl.O.P.No.27069of 2024

29.10.2024