



Crl.O.P.No.28100 of 2024

SUNDER MOHAN, J.

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The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 305(e) and 326(a) of BNS, 2023 r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.537 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 11.10.2024, the petitioners along with three other accused were found in possession of 2 units of Norambu sand in a tractor. Hence, the case.

3.The learned counsel for the petitioners would submit that co-accused, namely A3 and A4 who had allegedly transported 2 units of sand in a JCB were granted anticipatory bail in Crl.O.P.No.26152 of 2024 and the petitioners herein who are similarly placed and transported sand in a tractor may be granted anticipatory bail.

4.Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioners along with the other accused were found in possession of 2 units of Norambu sand in a tractor. He further submitted that A3 and A4



were granted anticipatory bail and that as against A1 there are two previous cases and as against A2 there is no previous case and opposed for grant of anticipatory bail.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. Considering the submissions made by the learned counsel for the petitioner, nature of offences, quantity of material involved in this case and since A3 and A4 were already granted anticipatory bail in Crl.O.P.No.26152 of 2024, this Court is inclined to grant anticipatory bail to the petitioners with certain condition:

8. Accordingly, 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 No.II, Tirupattur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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, failing which, the petition for anticipatory bail shall



stand dismissed and on further conditions that:

[a] the petitioners shall report before the respondent police daily 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 BNS.

11.11.2024

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