



Crl.O.P.No.28086 of 2024

SUNDER MOHAN, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) of BNS, 2023, r/w 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.445 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the respondents were on regular patrol duty, they found that the petitioner who was transporting $\frac{1}{4}$ unit of river sand in a bullock cart and on seeing the police people had abandoned the bullock cart and the sand and ran away from the place. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case and that in any case, since the material has been seized, custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, he prays for grant of anticipatory bail.

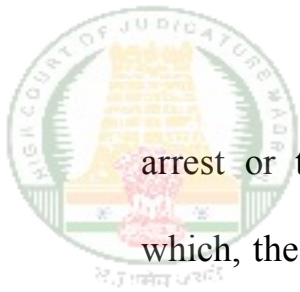


4.The learned Government Advocate (Crl. Side) submitted that the petitioner was in possession of $\frac{1}{4}$ unit of river sand in a bullock cart and on seeing the police people, escaped from the spot. Hence, he vehemently opposed to grant anticipatory bail.

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

6.Considering the quantity of river sand, nature of allegations and the fact that the petitioner is a first time offender and his custodial interrogation is not required for investigation, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, 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, Cheyyar**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall report before the respondent police daily at 10.00 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 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 BNS.

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