



Crl.O.P.No.28143 of 2024

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SUNDER MOHAN, J.

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, and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.680 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 30.10.2024 at about 15.00 hours, when the respondents were in routine vehicle checkup, they intercepted a vehicle bearing Registration No.TN-23-BY-7188 and on seeing the police people, the driver of the tractor abandoned the vehicle and ran away and the respondents found there was 1 unit of building stones transported in the tractor. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner, who is the owner of the vehicle, is not involved in the offence and has been falsely implicated and that the driver of the vehicle has already been arrested and still in custody and that in any case, since the material has been seized, the petitioner's custodial interrogation is not required for the



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purpose of investigation. Hence, he prays for grant of anticipatory bail.

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4.The learned Government Advocate (Crl. Side) submitted that the driver has already been arrested and still in custody and since the petitioner is the owner of the vehicle, he has been added as an accused and that the petitioner is having three previous cases. Hence, he opposed for grant of bail.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to their defence and prayed for grant of anticipatory bail.

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

7.Considering the nature of allegations; the fact that the material has already been seized from the arrested accused; considering the submissions made by the learned counsel on either side; and that custodial interrogation of the petitioner is not required for investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



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8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Thirupathur District**, and on such deposit and on receipt of proof of payment, 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 No.II, Thirupathur**, 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



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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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