

**CrI.O.P.No.28291 of 2024****A.D.JAGADISH CHANDIRA, J.**

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The petitioners, who apprehend arrest in connection with Crime No.276 of 2024, for the alleged offences punishable under Sections 115(2), 118(1), 121(1), 132, 296(b), 303(2), 326(a), 351(3) of BNS, 2023 r/w 21(1) of M&N(D&R) Act, 1957 @ 115(2), 118(1), 121(1), 132, 262, 296(b), 303(2), 326(a), 351(3) of BNS, 2023 r/w 21(1) Mines and Minerals (Development & Regulation) Act, 1957, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 04.11.2024, while the respondent were on a regular patrol near Keezhpatti Village near Om Sakthi Temple, at that time, the first petitioner was driving Mahindra 575 D-1 Tractor with trailer and another Mahindra 575 D-1 Tractor was driven by the second petitioner along with A1 with 3 units of river sand and on witnessing the respondent, the accused had tried to run away and when the respondent tried to catch them, A1 abused and bitted the finger of the respondent and the petitioners had abused and assaulted them with coconut bat. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He



would further submit that the first petitioner is the son of A1 and the second petitioner is the brother of A1, other than that they have nothing to do with the alleged offence. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and pray for grant of anticipatory bail to them.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for the grant of anticipatory bail to the petitioners, would submit that the petitioners were found to be in illegal transportation of 3 units of river sand and when the respondent tried to catch them, the accused abused the respondent in filthy language and assaulted them with coconut bat. He would further submit that A2 is having three previous cases and A3 is having two previous cases similar in nature. He would further submit that the injured has been discharged from the hospital.

5. Heard the learned Counsel for the Petitioners and the learned Government Advocate (CrI.Side) for the respondent and perused the entire materials available on record.



6. Considering the above facts and circumstances of the case; the submissions made by the learned counsel on either side; and also taking into consideration the fact the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the first petitioner/A2 alone with certain conditions. As far as the second petitioner/A3 is concerned, considering the previous antecedents and gravity of offence, this Court is not inclined to grant anticipatory bail to him and accordingly, the petition stands dismissed.

7. Accordingly, the first petitioner/A2 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, Gudiyatham, Vellore District**, on condition that the first petitioner/A2 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 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 condition that:

[a] the first petitioner/A2 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to



ensure their identity;

[b] the first petitioner/A2 shall report before the respondent police everyday at 6.30 p.m., until further orders.

[c] the first petitioner/A2 shall not tamper with evidence or witness either during investigation or trial;

[d] the first petitioner/A2 shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner/A2 in accordance with law as if the conditions have been imposed and the first petitioner/A2 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

22.11.2024

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