



Crl.O.P.No.28485 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of the BNS and Section 21(1) of the Mines and Minerals (Development and Regulation) Act in Crime No.321 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally transported ordinary sand without necessary permit. Hence, the case.

3. The learned counsel for the petitioners would submit that, petitioners are contractors employed in Larsen a& Toubro Limited (L&T) Construction Company for a specific project, and they had transported ordinary sand taken from the construction site and not river sand and it is not a case of illegal transportation of sand. Hence, he prayed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.28485 of 2024

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing grant of anticipatory bail would submit that, petitioners illegally transported ordinary sand and further submitted that, there is no previous case pending against the petitioners.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the 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 learned Judicial Magistrate No.I, Aalandur**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/-**



Crl.O.P.No.28485 of 2024

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(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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 06.30.p.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance



Crl.O.P.No.28485 of 2024

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].

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

14.11.2024

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Crl.O.P.No.28485 of 2024

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