



Crl.O.P.No.28476 of 2024

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 BNS and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.220 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused were found in illegal transportation of 1 unit of red sand without any valid permit.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are ready and willing to abide by any condition that may be imposed on him.

4.The learned Government Advocate (Crl. Side) while opposing for grant of bail to the petitioners would submit that the petitioners were involved in illegal transportation of 1 unit of red sand. He would further



submit that there is no previous case pending against this Petitioners.

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5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.5,000/-each as non-refundable deposit to any welfare scheme of the Government or any organization. Hence, he prayed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/-each as non refundable deposit to **"The District Legal Services Authority, Salem"**, without prejudice to his rights and contentions before the trial Court.

8. Merely because the petitioners deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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[b] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks, thereafter every Saturday at 10.30 am., until further orders;

[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 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 absconds, a fresh FIR can be registered under Section 269 BNS.

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