



Crl.O.P.No.28739 & 28751 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest in connection with Crime No.142 of 2024, registered under Sections 303(2) of BNS and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that that petitioners committed theft of gravel sand. Hence, the case.

3. Learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners removed gravel sand from their own Patta land after obtaining proper permission from the District Collector, Tiruppur and after payment of appropriate fees. He would further submit that the petitioners are ready and willing to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners,



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would submit that petitioners have committed theft of gravel sand from their own lands without appropriate permission from the Government. He would further submit that there is no previous case pending against the petitioners.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl.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 the order of the District Collector dated 14.07.2022, 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 – I, Udumalpet**, on condition that the petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only) each** 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



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dismissed and on further condition that:

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[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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks 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 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]**;

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

19.11.2024

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