



Crl.O.P.No.29597 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.205 of 2024 registered for the offences punishable under Sections 303(2) & 326(a) of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, the accused was found in illegal possession of 4 units of river sand. Hence the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this court. He would submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. He also submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.10,000/- 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.

4. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for



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grant of anticipatory bail, would submit that petitioners involved in illegal transporting of 4 units of river sand. He would submit that A-2 has one previous case of similar nature, A-3 has no previous case and A-4 has three previous cases, of which, one case is of similar nature.

5. Learned counsel for the petitioners at this juncture, seeks permission of this Court to withdraw this petition in respect of petitioners/A-2 and A-4 and he has also made an endorsement to that effect.

6. In view of the submissions made by the learned counsel for the petitioners, this Criminal Original petition is dismissed as withdrawn in respect of A-2 and A-4.

7. Considering the voluntary submission made by the learned counsel for the petitioners, the 2nd petitioner/A-3 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non refundable deposit to "**The District Legal Services Authority, Vellore**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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8. Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the 2nd petitioner/A-3 with certain conditions.

9. Accordingly, the second petitioner/A-3 is directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** directly to the credit of "**The District Legal Services Authority, Vellore**", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the 2nd petitioner/A-3 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Shoinghur**, on condition that the 2nd petitioner/A-3 shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 said Magistrate, on further condition that:

[a] the 2nd petitioner/A-3 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;



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[b] the 2nd petitioner/A-3 shall report before the respondent police daily at 10.30 a.m, until further orders;

[c] the 2nd petitioner/A-3 shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd petitioner/A-3 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 2nd petitioner/A-3 in accordance with law as if the conditions have been imposed and the 2nd petitioner/A-3 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.

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27.11.2024

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