



Crl.O.P.No.29766 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.304 of 2024 registered for the offences punishable under Sections 303(2) of BNS, 2023 and Section 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, on 04.11.2024, from the unallotted forest Purambokku land situated in Keelpoonguruthi Village, Varatanapalli Taluk, Krishnagiri, granite stones were illegally removed. On enquiry, it was came to light that the land belongs to the petitioner and that while the same was questioned, he has not given proper explanation regarding permits. Hence the case.

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



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scheme of the Government or any organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, would submit that the petitioner had illegally removed granite stones from the unallotted forest land, and the granite stones are worth about Rs.66,000/-. He would further submit that the petitioner has no previous case, but still, the removed granite stones were not recovered.

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

6. Further, having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant



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anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner 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, Krishnagiri"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner 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 No.I, Krishnagiri**, on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;

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



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[d] the petitioner 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 petitioner 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 269 of BNS.

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28.11.2024

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