



Crl. O.P. No.30273 of 2024

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P. DHANABAL.J.,

The petitioner / Accused-1, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of B.N.S. in connection with the Cr. No.198 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 30.09.2024, the petitioner along with other accused, had illegally transported 10 units of river sand without valid license. Hence, the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against this petitioner for the alleged offences under Sections 303(2) and 326(a) of B.N.S. According to the prosecution, the petitioner, along with other accused, has illegally transmitted 10 units of river sand in a Lorry. In fact, the petitioner is only the owner of the vehicle and he is an innocent and he is nothing to do with the commission of the offences and he is ready to abide by any condition imposed by this Court and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit



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that on 30.09.2024, when the police party in routine patrol duty, found the petitioner along with other accused who had illegally transported 10 units of river sand in a Taurus Lorry bearing Registration No.AP39-UW-2513 without valid license and the respondent police have intercepted the vehicle and seized the properties. There are totally 3 accused and the petitioner is A1 and he strongly opposed to grant anticipatory bail to the petitioner. However, he admitted that the co-accused were arrested and released on bail.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that this petitioner is only the owner of the vehicle, the co-accused, who are the driver and cleaner of the lorry, were arrested and released on bail, there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is orderd to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the



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learned **Judicial Magistrate, Katpadi** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10 a.m. for a period of 8 weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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



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of Kerala [(2005)AIR SCW 5560].

WEB COPY [f] If the accused thereafter abscond, a fresh FIR can be registered
under Section 269 B.N.S.2023.

05.12.2024

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To

- 1.The Judicial Magistrate, Katpadi
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Melpadi Police Station, Vellore District.

P.DHANABAL,J

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