



CrI.O.P.No.30543 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.308 of 2024 registered for the offences punishable under Sections 303(2) of BNS Act , the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are innocent and that a case of sand theft has been fabricated against them. He also submits that the petitioners have one previous case against them and without prejudice to the defence and contention, they are ready and willing to deposit a sum of Rs.5,000/- each as non-refundable deposit to any welfare scheme of the Government or any organization. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3.The case of the prosecution as putforth by the learned Government



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Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the quantity of river sand involved is 45 cement bags. He would further submit that the petitioners have one previous case pending against them.

4.Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the District Legal Services Authority, Namakkal without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate - II, Namakkal on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-



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(Rupees Ten 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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 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];

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

06.12.2024

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