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Crl.O.P.No.31697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31697 of 2024

Kumar

Petitioner(s)

Vs

State rep. by the Inspector Of Police
Melpatti Police Station,
Melpatti, Vellore District.
(Crime No. 276 of 2024)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 276 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mr.S.Santhosh,
Govt. Advocate (Crl. Side)



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ORDER

Apprehending arrest in connection with Crime No.276 of 2024 registered for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3), 132, 121(1), 303(2), 326(a) of The Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, the present petition has been filed by the petitioner seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of **Rs.15,000/-** to any welfare scheme of the Government or any other organization. He further submits that the petitioner is 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 (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that on 04.11.2024, when the respondent police were on routine sand theft checkup nearby Kilpatti Village, Omsakthi temple side, they intercepted a Mahendira Tractor and on search, they found that the petitioner transported 1 ½ unit of river sand in the Mahendira tractor illegally without having valid permit from the competent authority and seized the said vehicle. He further submits that two previous cases pending against the petitioner and out of two cases, one case was registered in the year of 2012 and another case was registered in the year of 2022.

4. Learned counsel for petitioner, in reply would submit that out of two cases, one case was registered in the year of 2012 and another case was registered in the year of 2022, but for the past two years, no case registered against him.

5.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees fifteen thousand only)** to the credit of the "**District Legal Services Authority, Vellore Dt.**" without prejudice to the right of defence before the



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Trial Court and making it clear that it would not amount to admission of guilt.

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6. 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, he 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, Gudiyatham 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 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 dismissed and 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.



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

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.12.2024

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To

1. Judicial Magistrate,
Gudiyatham.

2. The Inspector Of Police
Melpatti Police Station,
Melpatti, Vellore District.

3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDRA, J.

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