



WEB COPY



Crl.O.P.No.35828 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.35828 of 2025

1.Viji

2.Murali

... Petitioners

Vs.

The State Rep.by its,
The Inspector of Police,
Arni Taluk Police Station
Tiruvannamalai District.
(Crime No.783 of 2025)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in the event of their arrest by the respondent Police in Crime No.783 of 2025 on the file of the respondent police Station.

For Petitioners : Mr.E.Sathiyaraj Elangovan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2),



Crl.O.P.No.35828 of 2025

326(a) of BNS Act, (Corresponding Sections 379 & 430 of IPC, in Crime

No.783 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused illegally transported 1 unit of river sand in a tractor bearing Reg.No.TN25AJ1662.

3. Learned counsel for the petitioner would contend that the material objects have been seized; that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), reported that A1 in this case has been arrested by the respondent police. He further reiterated the prosecution case and on instructions, would submit that the respondent police seized the sand and the vehicle. He added that the petitioner is having three previous cases against him.



Crl.O.P.No.35828 of 2025

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

6. Since A1 in this case has been arrested by the respondent police, this anticipatory bail petition against the 1st petitioner stands dismissed.

7. Considering the representation made by both sides, the nature of offences, and considering the quantity of river sand involved in this case, and also the fact that the co-accused was already arrested, and though the petitioner is having previous cases, they are not similar in nature, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. Accordingly, the 2nd petitioner is ordered 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 was made ready, before the learned **Judicial Magistrate, Arni, Tiruvannamalai District**, on condition that the 2nd petitioner shall execute a bond for a sum of



Crl.O.P.No.35828 of 2025

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 conditions that:

[a] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for the interrogation;

[b] the 2nd 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 2nd petitioner shall not leave India without the prior permission of the Court;

[d] the 2nd 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 2nd petitioner in accordance with law as if the



CrI.O.P.No.35828 of 2025

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 the BNS.

30.12.2025

dna/kas

Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

Copy to:

1.The Judicial Magistrate,
Arni,
Tiruvannamalai District.

5/6



WEB COPY



Crl.O.P.No.35828 of 2025

P. DHANABAL, J.

dna/kas

2.The Inspector of Police,
Arni Taluk Police Station
Tiruvannamalai District.
(Crime No.783 of 2025)

3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

Crl.O.P.No.35828 of 2025

30.12.2025