



CrI.O.P.No.35964 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

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1. Kathirvel

2. Suresh

... Petitioners

Vs.

State by:

Sub-Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
Crime No.523 of 2025.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, pleaded to grant anticipatory bail to the petitioners in the event of the arrest of petitioners by police for the reasons stated in the petition in connection with the case in Crime No.523 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Anbharasu A

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



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ORDER

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The petitioner / accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNSS Act, 2023 [can be compared to Sections 378 and 430 of IPC] and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in connection with the Cr. No.523 of 2025 seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found to be transporting quarter unit of river sand without any permit in a four wheel bullock cart without obtaining valid permission. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons, and they have been falsely implicated by the respondent police and they are in no way connected with the offences as alleged by the prosecution. He further submitted that the petitioners have no other previous cases filed against them.

4. Learned Government Advocate (Criminal Side) would submit that on the date of the alleged occurrence, when the respondent police along with



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his police parties were conducted routine vehicle check up, at that time, they found the petitioners illegally transporting quarter unit of river sand in a four wheel bullock cart. He further submitted that during investigation, it was revealed that the accused are transporting the river sand without any valid permission; and that the petitioner have no previous case, pending against them. However, he strongly objected to grant anticipatory bail to the petitioner.

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

6. Considering the representation made by both side counsel, nature of offence, and the fact that no previous cases are pending against petitioners, and also considering all other factors, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Cheyyar**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with



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two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police, **on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.**

[b] the petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered

under Section 269 B.N.S.2023.

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grs/jai

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.



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P.DHANABAL, J.

grs/jai

To

1. The Judicial Magistrate,
Cheyyar.
2. The Sub-Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.

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