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Crl.O.P.No.35974 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.35974 of 2025

1. K.Palani

2. S.Surya Prakash

... Petitioners

Vs.

State, rep. By
The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
(Crime No.261 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS,
pleaded to enlarge the petitioners on bail in the event of their arrest in
connection with Crime No.261 of 2025 on the file of the respondent Police.

For Petitioners : Mr.Appaswamee VR

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.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 r/w Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 in connection with the Cr. No.261 of 2025 seek anticipatory bail.

2. The case of the prosecution is that on 12.12.2025, one Kalaivani, Village Administrative Officer of Navalpakkam Group, Cheyyar lodged a complaint before the respondent Police stating that upon information, when she, along with some others, went to the place of occurrence, she found a JCB bearing registration No.TN97 Z 4930 was digging up the vandal sand at Devanathur river bank and was trying to fill the sand in a tractor bearing registration No.TN25 BC 8182. On arrival of the de facto complainant, the petitioners, being drivers of both the vehicles, ran away and both the vehicles were seized. Hence, the complaint.

3. Learned counsel for the petitioners submitted that the since the respondent police failed to find out the real accused persons, they falsely implicated the petitioners herein in this case and they are in no way



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connected with the offences as alleged by the prosecution. He further submitted that the petitioners are the drivers of the said vehicles. He further submitted that there are no other previous cases filed against the petitioners.

4. Learned Government Advocate (Criminal Side) would submit that upon the complaint of the de facto complainant, when the respondent police along with his police parties went to the place of occurrence, at that time, they found the petitioners illegally digging the vandal sand by using the JCB and trying to fill the sand in the tractor without any valid permission; and that the petitioners have no previous cases, pending against them. However, he strongly objected to grant anticipatory bail to the petitioners.

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

6. Considering the representation made by both side counsel, nature of offence, the material involved in this case 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 petitioner subject to the following conditions.



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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 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



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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.2023.

30.12.2025

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 Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.

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