



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL. OP. No.325 of 2026

Elavarasan

....Petitioner

Vs

The State Represented by
Inspector of Police,
Voimedu Police Station
Nagapattinam District
Crime No.398 of 2025.

..Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.398 of 2025 on the file of the respondent police.

For Petitioner: Ms.Raji

For Respondent: Ms.J.R.Archana, Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest by the respondent police for the offences punishable under Sections 303 of BNS, 2023 r/w 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.398 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that based on the secret information, the respondent police went to the house of the petitioner and seized savudu sand from him. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has taken sand from his patta land of 260 sq.ft and he is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the respondent police, submitted that the petitioner had involved in the offence of extracting savudu sand and the same has been seized from his house. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



6. Considering the nature of allegations and the submissions made by learned counsel on either side and considering the fact that the said sand have been taken from the patta land belonging to the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate Court, Vedaranyam Taluk, Nagapattinam District*, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 and on further condition that:

(a) 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;



K.RAJASEKAR, J.,

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(b) the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12.01.2026

To
1. The Inspector of Police,
Voimedu Police Station
Nagapattinam District
2.The Public Prosecutor
High Court of Madras.
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