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Crl.O.P.No.5437 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

CRL OP NO.5437 of 2026

Ilayaraja

... Petitioner/ A1

Vs

The State rep. by,
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
(Crime No.40 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.40 of 2026 on the file of the respondent police.

For Petitioner(s) : Mr. P.M. Jayachandran

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on **05.02.2026** for the alleged offence **under Section 303(2) of BNS r/w Section 21(1) of Mines and Mineral (Development & Regulation) Act, 1957 in Crime No.40 of 2026** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.02.2026, while the respondent police were on their routine vehicle checkup duty, they found that the petitioner herein involved in illegal transportation of 30 tonnes of stones without any valid permit in a vehicle bearing Registration No.KA-02-AD-5245. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is only the driver of the said vehicle, in which the stones were transported and he is in judicial custody since 05.02.2026; and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police while opposing the bail to the petitioner, reiterated the prosecution case and fairly submitted that there is no previous cases against the petitioner; and that the investigation in the present case is still pending.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. From the submissions made by the learned counsels on either side, it is seen that the petitioner was remanded to judicial custody on 05.02.2026. It is also stated that there are no previous cases against the petitioner and upon consideration of the totality of the circumstances, at this length of time, further custodial interrogation of the petitioner may not be necessary hereafter. Hence, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **District Munsif-Cum-Judicial Magistrate Court, Pennagaram** and on



further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and subsequently, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

04.03.2026

stn

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 the official website of this Court will be watermarked and will also have a QR code.

To

1. The District Munsif Cum Judicial Magistrate,
Pennagaram.
2. The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
(Crime No.40 of 2026)
3. The Superintendent,
Sub Jail, Dharmapuri.

C. KUMARAPPAN, J.

stn

4. The Public Prosecutor,



High Court of Madras.

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