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CRL OP No. 6428 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL OP No. 6428 of 2026**

Kotteswaran  
S/o.Murthy,  
Movur Kandigai,  
Thoppu,  
Neyveli Post,  
Thiruvallur District.

..Petitioner(s)

Vs.

State rep.by  
The Inspector of Police,  
Nemili Police Station,  
Ranipet District.  
Cr.No.06 of 2026.

..Respondent(s)

**PRAYER :** Criminal Original Petition filed under Section 482 of BNSS, 2023, to grant anticipatory bail to the petitioner in the event of arrest in connection with Cr.No.06 of 2026 on the file of the Inspector of Police, Nemili Police Station, Ranipet District and pass such further or other orders as this Honble Court.

|                    |                |
|--------------------|----------------|
| For Petitioner(s): | M.Balaji       |
| For Respondent(s): | Mr.P.Dhileepan |

Government Advocate (Crl.Side)

**ORDER**

The petitioner, who apprehends arrest for the alleged offence **under Sections 303(2) and 62 of the Bharatiya Nyaya Sanhita (BNS) Act, 2023** in **Crime No.06 of 2026**, on the file of the respondent police seeks anticipatory



bail.

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2. The allegation against the petitioner is that the petitioner attempted to scoop river sand by using JCB without any valid permit or licence. Hence, the case.

3. The learned counsel for the petitioner would submit that no river sand was illegally transported. However, according to the prosecution, the petitioner is the driver of the JCB and that he scooped river sand and has therefore been charged. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would firmly submit that the JCB has already been recovered and that the petitioner fled from the scene of occurrence. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Apart from that, the learned Government Advocate (Crl.Side) would submit that though the petitioner has one previous case, the same is not of a similar nature, considering the peculiar facts of the case and the fact that the petitioner has not come to the adverse notice of the respondent police in similar nature of offences, this Court would like to show some leniency to the petitioner. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail upon the sold ground that he is only driver of the vehicle, subject to certain



conditions.

6. 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 on which the order copy made ready, before **the learned Judicial Magistrate-II, Arakkonam**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

**(c) The petitioner shall sign before the respondent police twice a day at 10.30 a.m., and 5.30 p.m., until further orders.**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the



conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

MPA

12-03-2026



To

1. The Judicial Magistrate-II, Arakkonam.  
2. The Inspector of Police,  
Nemili Police Station,  
Ranipet District.  
Cr.No.06 of 2026.

3. The Public Prosecutor,  
High Court of Madras.



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**C.KUMARAPPAN, J.**

**MPA**

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