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Crl.O.P.No.6015 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.6015 of 2026

1.Jayaprakash
2.Kotteeswaran

... Petitioners

Vs.

State rep by
The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No. 422 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.422 of 2025 on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr. P. Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence under Sections
303(2), 326(a) of BNS 2023 in Crime No.422 of 2025 on the file of the
respondent police seeks anticipatory bail.



2. The case of the prosecution is that on 09.10.2025, while the respondent police were on routine patrol duty, at that time, they noticed two persons loading the gravel sand into an Ashok Leyland lorry using JCB. On seeing the same, the respondent police intercepted and seized 4 units of gravel sand, Ashok Leyland lorry and JCB from the petitioners. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that this is the third anticipatory bail and the earlier petition was dismissed on the ground that the petitioners have transported huge quantity of gravel sand using lorry and JCB machines. He further submitted that they are ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioners have no previous cases pending against them. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have given my anxious consideration to either side submissions.

6. From the submissions made by the learned Government Advocate (CrI.Side), it is seen that the petitioners have no previous cases pending against them and that only four units of river sand were transported through a lorry using a JCB machine. Though this Court views offences involving natural



resources very seriously, considering the fact that the petitioners have come to adverse notice for the first time and also taking into consideration that the petitioners have no previous case, this Court is of the view that custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to show some leniency and enlarge the petitioners on anticipatory bail with certain 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 is made ready, before the **learned Judicial Magistrate, Gudiyatham**, on condition that **the petitioners shall execute a separate 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 petitioners fails to surrender before the concerned learned 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 petitioners shall report before the respondent



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Police, daily at 10.30 a.m. and 5.30 p.m, for a period of 45 days and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

09.03.2026

DRL

To

1.The Judicial Magistrate,
Gudiyatham.

2.The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

3.The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN.J.

DRL

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