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Crl.O.P.No.6198 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.6198 of 2026

1.S.Sarath Kumar
2.S.Raghul

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Virudampet Police Station,
Vellore District.
(Crime No.172 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest pending investigation in Crime No.172 of 2025 on the file of the respondent police.

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

ORDER

The petitioners, who apprehend arrest for the alleged offence **under Sections 303(2), 326(a) of BNS in Crime No.172 of 2025**, on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioners is that the petitioners along

with other accused were involved in illegal transportation of 3 bags of river sand from palar river without any valid permit or licence and that the petitioners were caught red handed by the respondent police. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any such offence as alleged by the defacto complainant and they have been falsely implicated in this case. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and they are ready to co-operate with the investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing sfor the respondent police reiterated the prosecution case and, upon instructions, submitted that no previous criminal antecedents have been registered against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the submissions made by the learned counsel on either side and also perused the materials available on record.

6. From the submission made by the learned Government Advocate (Crl.Side) the petitioners does not have any previous cases. Though, this



Court views the offence of theft of natural resources and its exploitation as serious offence, taking into consideration of the fact that they are having no previous cases, and upon the fond hope that they would mend themselves in future and would not come under the adverse notice of the respondent, this Court is inclined to enlarge them on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory 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-III, Vellore**, 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 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



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of identify proofs to ensure their identity;

(c) The petitioners shall sign before the respondent police daily at 10.30 a.m., and 5.30 p.m., for a period of four weeks 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.

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To:

1.The Judicial Magistrate-III,
Vellore.

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2. The Inspector of Police,
Virudampet Police Station,
Vellore District.

3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN,J.,

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