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Crl.O.P.No.5929 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.5929 of 2026

Prakash @ Jamaal

... Petitioner

Vs.

The State rep by its
The Sub-Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.71 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.71 of 2026 on the file of the respondent police.

For Petitioner : M/s.Raji
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Sections 303(2), 326(a) of BNS, 2023 r/w. 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.71 of 2026**, on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner along with



other accused were illegally transported one unit of river sand by using two-wheeler without any valid permit or licence. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any such offence as alleged by the defacto complainant. He further submitted that co-accused in this case has already been released on bail by the learned Principal District and Sessions Judge, Cuddalore District and that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

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

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

6. From the submissions made by the learned Government Advocate (Crl.Side) there is no previous cases of similar nature registered against the petitioner. However, he was convicted under Section 294(b) which has no



relevance to the offence which now we are considering. At this juncture, the learned counsel for the petitioner would submit that the co-accused already been released on bail. Considering the fact that the petitioner, so far not come with the adverse notice under the Mines and Minerals Act and the fact that the co-accused has already been released on bail, this Court would like to show some leniency upon those petitioners upon hope that he will not commit similar offence in future. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail subject to 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 on which the order copy made ready, before **the learned Judicial Magistrate No.1, Virudhachalam Taluk, Cuddalore District**, 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 report before the respondent police everyday at 10.30 a.m., for a period of two 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 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.

09.03.2026

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To:

1.The Judicial Magistrate-1,
Virudhachalam Taluk,
Cuddalore District.

2.The Sub-Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.



3. The Public Prosecutor,
High Court of Madras.

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C.KUMARAPPAN, J.

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