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Crl.O.P.No.5952 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.5952 of 2026

1.Chandraprakash
2.Rajkumar

... Petitioners

Vs.

State rep by
The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi Town, Tirupathur District.
(Crime No. 65 of 2026)

... 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.65 of 2026 on the file of the respondent police.

For Petitioners : Mr.G.Vinodhkumar

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 in Crime No.65 of 2026 on the file of the respondent
police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners were illegally transported 50 kgs of river sand without obtaining permission from the competent authority. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and that they have not committed any offence as alleged by the prosecution. He further submitted that they are ready to abide by any conditions that may be imposed by this Court and that they are ready to cooperate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the first petitioner has not been arrayed as an accused in the FIR and that the second has no previous case pending against him. 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 (Crl.Side), it is seen that the petitioners had transported 50 kgs of river sand illegally. However, it is also submitted that the second petitioner has no previous case. At this juncture, the learned Government Advocate (Crl.Side) brought to the notice of this Court that the first petitioner is not arrayed as an



accused in the FIR and the second petitioner alone has been arrayed as A1.

This Court is of the view that offences involving exploitation of natural resources have to be viewed seriously. However, considering the fact that the second petitioner has no previous case and taking into account the nature of the allegations, this Court is inclined to enlarge the second petitioner on anticipatory bail. As far as the first petitioner is concerned, since he has not been arrayed as an accused in the FIR, this Criminal Original Petition is dismissed as against the first petitioner.

7. Accordingly, the second petitioner is ordered to be released on 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 is made ready, before the **learned Judicial Magistrate, Vaniyambadi**, 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 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,



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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 daily at 10.30 a.m. and 5.30 p.m, for a period of 30 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 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

DRL

To

1.The Judicial Magistrate,
Vaniyambadi.

2.The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi Town, Tirupathur District.

3.The Public Prosecutor,
High Court of Madras.

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C.KUMARAPPAN.J.

DRL

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