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Crl.O.P.No.6085 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.6085 of 2026

1. Thamizharasan [A1]
2. Anbarasan [A2]

... Petitioners

Vs.

The State represented by
Inspector of Police,
Orathur Police Station,
Cuddalore District.
Crime No.16 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 their arrest in Crime No.16 of 2026 on the file of the Inspector of Police, Orathur Police Station, Cuddalore District.

For Petitioners : Ms.M.Divyalakshmi

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

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 303(2) and 326(a) of BNS r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.16 of 2026 on the file



Crl.O.P.No.6085 of 2026

of the respondent police seek anticipatory bail.

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2. The case of the prosecution is that the petitioners, have illegally transported 50kgs of cement through a two wheeler without any valid permit through a tractor. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and have been falsely implicated in this case. He further submitted that there is no previous cases to the credit of the petitioners. Hence, she prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioners have illegally transported 50 kgs. of cement using a vehicle and that the second petitioner, namely Anbarasan [A2] has already been arrested on 07.03.2026. However, he fairly submitted that the petitioners have no previous cases registered against them.

5.From the submissions made by the learned Government Advocate (Crl.Side), it is seen that the second petitioner / A2 has already been arrested on 07.03.2026 and hence, this anticipatory bail application is dismissed in



CrI.O.P.No.6085 of 2026

respect of the second petitioner [A2], namely Anbarasan. However, insofar as the first petitioner [A1], he has no criminal antecedents. Since the petitioner did not come under any adverse notice of the respondent police, this Court is inclined to grant anticipatory bail to the first petitioner [A1] alone, subject to certain conditions.

6. Accordingly, the first petitioner / A1 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-II, Chidambaram**, on condition that **the petitioner / A1 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 / A1 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;



Crl.O.P.No.6085 of 2026

(c) The petitioner / A1 shall report before the respondent police daily at 10.30 am and 5.30 pm. for a period of six weeks and thereafter as and when required;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner / A1 in accordance with law as if the conditions have been imposed and the petitioner / A1 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 / A1 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

7. In the result, this Criminal Original Petition is allowed insofar as the first petitioner is concerned and dismissed insofar as the second petitioner is concerned.

10.03.2026

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To

1.The Judicial Magistrate-II, Chidambaram

2.The Inspector of Police,
Orathur Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras.

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Crl.O.P.No.6085 of 2026

C.KUMARAPPAN.J.

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Crl.O.P.No.6085 of 2026

10.03.2026