



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9120 of 2026

1. M.Suresh, S/o.Moorthy
2. Deva @ Devakumar, S/o.Pandian

..Petitioners

Vs

State rep. By
Inspector of Police,
Sethiyathope Police Station,
Sethiyathope, Cuddalore District.
(Crime No.216 of 2025)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to enlarge the Petitioners on anticipatory bail in the event of their arrest by the respondent police pending investigation in Crime No. 216 of 2025 on the file of the Inspector of Police, Sethiyathope Police Station, Sethiyathope, Cuddalore District.

For Petitioner : No appearance

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

ORDER

The petitioners, who apprehend arrest for the alleged offence **under Sections 303(2), 326(a) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 and read with 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.216 of 2025**, on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners were committed theft of 2 bags of river sand. Hence, the case.

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3. There is no representation on behalf of the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and fairly submitted that the petitioners have no previous case. However, he opposed to grant anticipatory bail to the petitioners.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

6. Considering the totality circumstances of the case and on the fact that the petitioners have no previous case and also considering the small quantity of river sand, this Court is inclined to grant anticipatory bail to the petitioners, subject to 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 days from the date on which the order copy is made ready, before the **Learned Judicial Magistrate -I, Chidambaram**, on condition that the **petitioner 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 petitioners fail 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 petitioner shall report before the respondent police daily at 10.30 am and 5.30 pm for a period of two months;**

(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 second petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

1. The Judicial Magistrate -I, Chidambaram
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
Sethiyathope Police Station,
Sethiyathope, Cuddalore District.

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C.KUMARAPPAN, J.

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