



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9256 of 2026

1. Kubendiran

2. Venkatesu

..Petitioners

Vs

State rep by,
The Inspector of Police
Pernampet Police Station,
Pernampet, Vellore District.
(Crime No.76 of 2026).

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail pending investigation in Crime No.76 of 2026 on the file of the Inspector of Police, Pernampet Police Station, Pernampet, Vellore District.

For Petitioners: Mr.G.Vinodh Kumar

For Respondent: Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.03.2026 for the alleged offences under Sections 303(2), 326(a) of the Bharatiya Nyaya Sanhita, 2023 (Sections 379, 430 of Indian Penal Code, 1860), in Crime No.76 of 2026 on the file of the respondent police, seek bail.

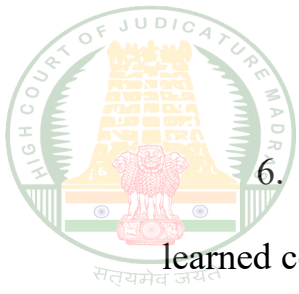


2. The case of the prosecution is that on 03.03.2026, the defacto complainant, who is a Sub-Inspector of Police, while conducting a raid to prevent illegal sand transportation, intercepted the petitioners who were transporting river sand in four bullock carts each contain $\frac{1}{4}$ units (totally 1 unit) without valid permit and attempted to escape. Hence, the case was registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they are ready to furnish sureties and abide by any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners were involved in illegal transportation of one unit of river sand using four bullock carts and that the first petitioner has three previous cases and the second petitioner has two previous cases. Hence, he opposed to grant bail to the petitioners.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.



6. This Court is of the view that, considering the submissions of the learned counsel appearing on either side, though there are previous cases against the petitioners, the allegation is with regard to illegal transportation of one unit of river sand. Considering the long incarceration of the petitioners since 03.03.2026 and the nature of the offence and further that the investigation might have been completed, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond each for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned **Judicial Magistrate, Gudiyatham**, and subject to the following conditions:

[a] 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 the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;



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[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioners thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

15-04-2026

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The learned Judicial Magistrate, Gudiyatham.
2. Central Prison, Vellore.
3. The Judicial Magistrate, Gudiyatham.
4. The Public Prosecutor, High Court of Madras.



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CRL OP No. 9256 of 2



C.KUMARAPPAN, J.

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CRL OP No. 9256 of 2026

15-04-2026