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CRL OP No. 9073 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9073 of 2026

1. Settu, S/o.Ponnusami
2. Sathishkumar.D, S/o.Dhanapal

..Petitioners

Vs

State rep. By Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai – 606 708.

..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 in Crime No.0071/2026 pending on the file of the respondent police.

For Petitioner : Mr.M.Gunasekaran

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.0071 of 2026**, on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners were involved in illegal transportation of 9+9 cubic meter of gravel without any valid permit or licence in tipper lorries and that the petitioners were caught red handed by the respondent police. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners were innocent and that they have been falsely implicated in this case. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and they are ready to co-operate for investigation. Hence, he 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, upon instructions, submitted that the first petitioner has one previous case and there is no previous case has been registered against the second petitioner. 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 further fact that the first petitioner has one previous case and the second petitioner has



no previous case, this Court is inclined to grant anticipatory bail to the second petitioner alone, subject to certain conditions. Further, the anticipatory bail application for the first petitioner is dismissed.

7. Accordingly, the second petitioner alone is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Learned Judicial Magistrate Thanrampattu**, 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 second 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, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) **The second petitioner is directed to make a non-refundable deposit of Rs.1,60,000/- [Rupees One Lakh Sixty Thousand only] directly to the credit of “Tamilnadu State Legal Services Authority, High Court Campus, Chennai”, without prejudice to the right of the defence before the Trial**



Court and the receipt shall be produced at the time of executing the bond;

(d) The second petitioner shall report before the respondent police daily at 10.30 am and 5.30 pm for a period of two months;

(e) 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]*;

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

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

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To

1. The Judicial Magistrate Thanrampattu,
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai
4. The Tamilnadu State Legal Services Authority, High Court Campus,
Chennai.



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C.KUMARAPPAN, J.

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