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CRL OP No. 9821 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9821 of 2026

1.Dinesh
2.Anandraj (a) Anand
3.Sankar
4.Pugazhendhi
5.Anbazzhagan @ Anbu

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
Tiruvannamalai West Police Station,
Tiruvannamalai District.

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.86/2026 on the file of the respondent police.

For Petitioner(s): Mr.M.Prithiv Kannan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for offences punishable under Sections 303(2) and 326 of the Bharatiya Nyaya Sanhita (BNS), 2023, and Section 21(1) of the Mines and Minerals



(Development and Regulation) Act, 1957, in Crime No.86 of 2026, seek anticipatory bail.

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2. According to the prosecution, acting on secret information, the respondent police conducted an inspection and intercepted a tipper lorry carrying five units of 'lake alluvial soil'. Based on the alleged confessions of the accused persons present, it was found that they were illegally transporting the soil for sale. Hence, the case.

3. The learned counsel for the petitioners submits that the petitioners have been falsely implicated and are in no way connected to the alleged offence. He further submits that the petitioners had obtained valid permission from the relevant authorities and that the vehicle was wantonly intercepted. He contends that the petitioners have no prior bad antecedents and that custodial interrogation is not required.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, opposes the grant of anticipatory bail, reiterating that the petitioners were caught red-handed while illegally transporting the soil. He further brings to the notice of this Court that the third petitioner (A3) has three previous cases of a similar nature pending against him, while the other petitioners have no bad antecedents.



5. Considering the totality of the circumstances and the fact that petitioners 1, 2, 4, and 5 have no prior bad antecedents, this Court is inclined to grant them anticipatory bail on certain conditions. However, since the third petitioner (A3) has three similar previous cases pending, this Court is not inclined to grant him relief, and his petition is hereby dismissed.

6. Accordingly, the petition in respect of the third petitioner (A3) is dismissed. The petitioners 1, 2, 4, and 5 are ordered to be released on bail in the event of arrest or on their appearance within fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Tiruvannamalai, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each for a likesum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner(s) 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 petitioners 1, 2, 4, and 5 are each directed to produce Demand Draft (DD) for a sum of Rs.37,500/- (Rupees Thirty-Seven Thousand Five Hundred only) in favour of the District Environmental Management Agency (DEMA), Tiruvannamalai District, (Non-refundable) before the concerned Magistrate.

(d) On production of the above Demand Draft, the learned Magistrate is directed to take necessary steps to hand over the same to the District Collector. Upon receipt of the said amount, the District Collector shall realise and utilise the same strictly in accordance with law and in terms of G.O.Ms.No.84, Natural Resources (MMD.1) Department, dated 16.12.2025;

(e) The petitioner(s) shall report before the respondent police twice a day at 10.30 a.m and 05.30 p.m for a period of one month and thereafter as and when required for interrogation;

(f) the petitioner(s) shall not tamper with evidence or witness either during investigation or trial;

(g) On breach of any of the aforesaid conditions,



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the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) 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]***;

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

20-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

- 1.The Judicial Magistrate No.II, Tiruvannamalai.
- 2.The Inspector of Police, Tiruvannamalai West Police Station, Tiruvannamalai District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.
- 4.The Chairman/District Collector,
The District Environmental Management Agency (DEMA),
Tiruvannamalai District



WEB COPY

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C.KUMARAPPAN, J.

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