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Crl.O.P.No.10441 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.10441 of 2026

1.Moorthy
2.Selvam

... Petitioners

Vs.

State represented by
The Inspector of Police,
Arakkandanallur Police Station,
Villupuram District.
Crime No.398 of 2025

... 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 his arrest by the respondent police in the above Cr.No.398 of 2026 on the file of the respondent.

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

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 303(2), 326(a) of BNS, 2023, in Crime No.398 of 2025 on the file of the respondent police seeks anticipatory bail.



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2. The allegation against the petitioners is that that the petitioners have illegally transported $\frac{1}{4}$ unit of river sand. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that due to ill health, the 2nd petitioner has unfortunately died. He further submitted that the 1st petitioner is an innocent persons and he has been falsely implicated in this case. He further submitted that the 1st petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the 1st petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioner.

5 Considering the fact the 2nd petitioner has died, this criminal original petition is dismissed as infructuous in respect of the 1nd petitioner. Taking into consideration the totality of the circumstances and upon the fact that the 1st petitioner has no bad antecedents, this Court is of the firm view that that the custodial interrogation of the 1st petitioner is not required. Hence, this Court



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is inclined to grant anticipatory bail to the 1st petitioner.

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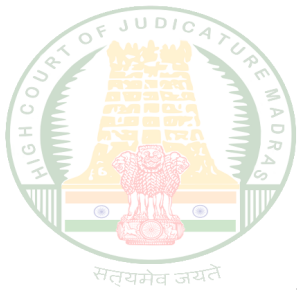
6. Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned District Munsif Cum Judicial Magistrate Court at Thiruvannainallur, Villupuram District.** , on condition that **the 1st 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 1st 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 1st petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days 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



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actions against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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 1st petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

7. Accordingly, this Criminal Original petition is dismissed as infructuous in respect of 2nd petitioner and allowed in respect of 1st petitioner.

27.04.2026

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To

1. District Munsif Court at Thiurvennainallur, Villupruam District.
2. The Inspector of Police,
Arakkandanallur Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN.J.

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