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CRL OP No. 10617 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 10617 of 2026

Venkatesan

..Petitioner(s)

Vs

The State Rep. by,
The Sub Inspector of Police,
Chetpet Police Station,
Chetpet, Tiruvannamalai District.

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on bail in the event of their arrest in Crime No.73/2026, pending on the file of the respondent police, and thus render justice.

For Petitioner(s): Mr.B.Jawahar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for offences punishable under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.73 of 2026, seeks anticipatory bail.



2. The learned counsel for the petitioner, pleading innocence on the part of the petitioner and false implication in the case, seeks the indulgence of this Court. He would submit that the petitioner has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is a law-abiding citizen, has no bad antecedents, and is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing the grant of anticipatory bail, is that the petitioner illegally transported sand using a tractor without any valid permit. He further submitted that the petitioner has no prior bad antecedents.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

5. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, and considering the fact that the petitioner has no bad antecedents and that custodial interrogation is not required at this stage, this Court is inclined to grant anticipatory bail to the petitioner,



subject to certain conditions.

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6. Accordingly, the petitioner 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, Polur, on condition that the petitioner shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, each for a like sum, to the satisfaction of the learned Magistrate concerned, and on further conditions that:

[a] The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as a non-refundable donation to the 'Dean/Medical Superintendent, Government Hospital, Tiruvannamalai'. The petitioner shall produce the original receipt of such deposit before the concerned Magistrate at the time of executing the bond.

[b] If the 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;

[c] The sureties shall affix their photographs and left thumb impression in the application for suretyship



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(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;

[d] The petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[e] The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] The petitioner shall make himself available for interrogation by a Police officer as and when required;

[g] The petitioner shall give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he will comply with the directions as may be given by the Court in this regard;

[h] The petitioner shall not abscond either during investigation or trial;

[i] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance



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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]***;

[j] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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

Jeni

To

- 1.The Judicial Magistrate, Polur.
- 2.The Sub Inspector of Police, Chetpet Police Station, Chetpet, Tiruvannamalai District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.
- 4.The Dean/Medical Superintendent, Government Hospital, Tiruvannamalai.



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A.D.JAGADISH CHANDIRA, J.

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