



WEB COPY

CRL OP No. 11612 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL OP No. 11612 of 2026

Gopalsamy

..Petitioner

Vs

The State Rep. by
The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
Crime No.78/2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.78 of 2026 on the file of the respondent police station.

For Petitioner:

Mr.E.Sathiyaraj

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.78 of 2026 registered for the offences punishable under Section 303(2), 326(a) of BNS Act (Corresponding Section 379, 430 of Indian Penal Code, 1860) and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, the present petition has been filed seeking anticipatory bail.



2. The case of the prosecution is that the petitioner, along with other accused person, illegally loaded one unit of lake sand in a tractor without having registration number. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel would further contend that the petitioner will not abscond and is ready to abide by any condition imposed by this Court. Hence, he prayed for granting anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, along with other accused person, illegally loaded one unit of lake sand in a tractor without having registration number. Hence, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contentions, is ready and willing to deposit an amount of Rs.5,000/- as a non-refundable deposit towards philanthropic activities. Hence, he prayed for the grant of anticipatory bail to the petitioner.



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

7. Taking into consideration the facts of the case and also on considering the voluntary submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the certain conditions:

8. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only) (Non refundable) towards the account of “CANCER INSTITUTE (WIA), Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai-36, bearing SB Account No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049”**, without prejudice to his rights and contentions before the trial Court. It is made clear that merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently. On such deposit and production of proof, 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, Kalasapakkam, Tiruvannamalai District, on condition

that the petitioner executes a bond for a sum of **Rs.10,000/- (Rupees Ten**

Thousand only) with two sureties, each for a like sum, to the satisfaction of the

respondent police or the police officer who intends to arrest or to the

satisfaction of the learned Magistrate concerned, failing which, the petition for

anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



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

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To

1. The learned Judicial Magistrate, Kalasapakkam,
Tiruvannamalai District.
2. The Inspector of Police, Kalasapakkam Police Station,
Tiruvannamalai District.
3. The Public Prosecutor, High Court of Madras.



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L.VICTORIA GOWRI, J.

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