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CRL OP No. 11965 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

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THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 11965 of 2026

Sakthivel

..Petitioner(s)

Vs

The State Rep by its, The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
(crime No.404 of 2026)

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the Petitioner on Anticipatory bail in the event of his arrest by the Respondent Police pending investigation in Crime No. 404 of 2026 on the tile of the Respondent Police and thus render justice.

For Petitioner(s): Mr.V.Vijayakumar

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita (BNS) 2023, read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in connection with Cr. No. 404 of 2026, seeks anticipatory bail.



2.The case of the prosecution is that on 14.12.2025 at about 01:30 a.m., while the respondent police and other officers were conducting a routine check on the Walajabad-Ayyanpettai Road to prevent illegal sand theft, they spotted three individuals unloading approximately 1½ units of river sand from a vehicle bearing Registration No. TN 21 BV 4899 near a house in Venkudi Village without any valid permit. Although the driver and other accused persons fled the scene, one accused, namely Santhosh, was apprehended at the spot. During his interrogation, the said Santhosh stated that the river sand had been illegally loaded from the Palar River and transported using the petitioner's vehicle. Hence, the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and was not present at the scene of occurrence. He submits that the petitioner has been falsely implicated in this crime solely based on the confession statement of the co-accused, Santhosh. He further points out that the co-accused has already been released on bail and the vehicle along with the 1½ units of river sand has been secured by the respondent police. While acknowledging that there are three previous cases pending against the petitioner, the learned counsel strictly emphasizes that those cases are not of a similar nature. He adds that this is the first anticipatory bail application before this Court, the petitioner is a permanent resident of Walajabad, and he is ready



to abide by any reporting conditions. Hence, he prays for the grant of anticipatory bail.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of anticipatory bail, highlighting the illegal transit of natural resources using the petitioner's vehicle. He confirms that the petitioner's implication rests upon the co-accused's confession statement and that the co-accused has already been enlarged on bail. He further verifies that the three previous cases pending against the petitioner are completely distinct and not of a similar nature.

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions on either side, the nature of the offences, and taking note of the fact that the petitioner has been implicated primarily on the strength of a co-accused's confession statement, the vehicle and the 1½ units of river sand have already been secured, and the co-accused has been released on bail, and further considering that the three pending previous cases are not of a similar nature, I am inclined to grant anticipatory bail to the petitioner subject to regular reporting conditions.



7. 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 made ready, before the learned Judicial Magistrate No. II, Kancheepuram District on condition that the petitioner shall execute 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police every Saturday at 10.00 a.m. for a period of four weeks, and thereafter as and when required for investigation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 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 accused thereafter abscond, a fresh FIR can be registered under

Section 269 BNSS, 2023.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To:

- 1.The Judicial Magistrate No. II,
Kancheepuram District.
- 2.The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL, J.

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