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CRL OP No. 11983 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. 11983 of 2026

1. Ramesh
2. Pratheesh

..Petitioner(s)

Vs

The State rep by,
The Inspector of Police,
G2-Varanjaram Police Station,
Kallakurichi District.
in Crime No.85 of 2026

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the petitioners on bail in the event of their arrest in Cr.No.85 of 2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Ms.R.Raji

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

ORDER

The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Section 303(2) 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. 85 of 2026, seek anticipatory bail.



2.The case of the prosecution is that on 27.04.2026, acting on secret information, the de facto complainant went on patrol duty and intercepted a vehicle bearing Registration Number TN 72 CZ 1672. Upon inspection, it was found that the vehicle was transporting 1.5 units of river sand without any valid permit, license, or clearance documents from the government. In this regard, the respondent police registered the First Information Report against the petitioners. Hence, the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and have been falsely implicated in this case without any basis or materials. He submits that the petitioners belong to a respectable family, are law-abiding citizens, and have permanent local roots. He further points out that the vehicle along with the 1.5 units of river sand has already been secured by the respondent police. It is also submitted that this is the first anticipatory bail application before this Court, no similar application is pending elsewhere, and there are absolutely no previous cases or criminal antecedents pending against the petitioners. Since the petitioners are fully prepared to cooperate with the investigation and offer solvent sureties, the learned counsel prays for the grant of anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of anticipatory bail, highlighting the unauthorized transit of 1.5 units of river sand. He, however, confirms that the vehicle and the mineral cargo have already been secured, and verifies from the case records that there are no previous cases or adverse antecedents recorded against these petitioners.

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 vehicle and the 1.5 units of river sand have already been secured, and considering that there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to regular reporting conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No. I, Kallakurichi, on condition that each 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 petitioners 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 petitioners 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 them from disclosing such facts to the Court or to any police officer;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 B.N.S. 2023.

13-05-2026

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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. I,
Kallakurichi.
- 2.The Inspector of Police,
G2-Varanjaram Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL, J.

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