



WEB COPY

CRL OP No. 12796 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 12796 of 2026

Dhayalan Chinnakuzhanthai
S/o. Chinnakuzhanthai,
285,East Kollai Medu,
Munjurpattu, Vellore,
Tamilnadu-632057.

..Petitioner/Accused-1

Vs

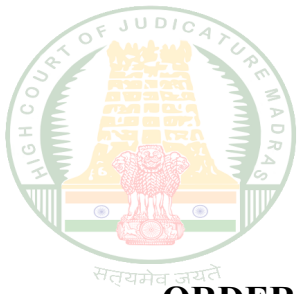
The Sub Inspector of police
Vellore Taluk Police Station,
Vellore District.
(Crime No.18 of 2026)

..Respondent/Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.18 of 2026 on the file of the respondent-police.

For Petitioner : Mr.C.Anbu,
Advocate

For Respondent : Mr.V.Meganathan,
Government Advocate
(Criminal Side)



ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 11.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) and 326 (a) of BNS, 2023 in Crime No.18 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, while the defacto complainant was on regular check near the Arkattankudisai Village, in connection with illegal sand mining, he noticed a Mahindra 475 DI Tractor and Tipper bearing Regn. No.TN-23 CS 1120, belongs to the petitioner, being used by the Petitioner to transport 1 ½ units of Morambu sand from the private land without prior permission from the competent authority. The defacto complainant seized the said vehicle along with 1 ½ units of Morambu sand. Hence, the case.

4. Mr.C.Anbu, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that since the petitioner being

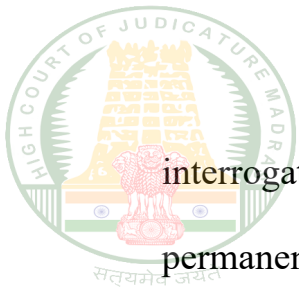


owner of the vehicle, his name has been included in the F.I.R. and there is no specific overtact against the petitioner. He however submits that the petitioner is ready to abide any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.V.Meganathan, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has been arrayed as 1st accused. He further submits that the Petitioner was illegally transporting 1 ½ units of Morambu sand by using his vehicle Mahindra 475 DI Tractor and Tipper bearing Regn. No.TN-23 CS 1120. He further submits that no previous case against the petitioner. He further submits that the investigation of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he will commit similar type of offence and cause loss to wealth of the nation. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

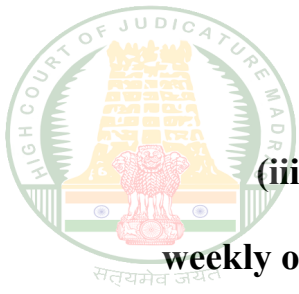
7. Considering the fact that the petitioner's vehicle along with allegedly transported 1 ½ units of Morambu sand in a Mahindra 475 DI Tractor and Tipper bearing Regn. No.TN-23 CS 1120 from the private land has already been seized by the respondent-police, this Court is of the view that the custodial



interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence, the quantity of Morambu sand allegedly transported by the accused persons and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the **learned Judicial Magistrate-1, Vellore**, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the **learned Judicial Magistrate-1, Vellore**.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate-1, Vellore shall obtain a copy of any one of identity proofs to ensure their identity.



(iii) The petitioner shall appear and sign before the respondent police weekly once on Monday at 10.00 a.m. until further orders.

WEB COPY

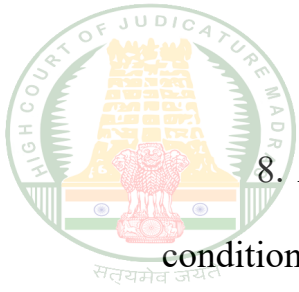
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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 them from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(viii) On breach of any of the aforementioned conditions, the learned **Judicial Magistrate-1, Vellore** is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]***.



8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

WEB COPY

20-05-2026

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

RPP/JRS

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 official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate-1, Vellore.
2. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
3. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL OP No. 12796 of 2



R.SAKTHIVEL J.

RPP/JRS

CRL OP No. 12796 of 2026

20-05-2026