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CRL OP No. 12838 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. 12838 of 2026

M.Babu
S/o.Manikam,
No. 247, Mariyamman Kovil Street,
Santhanakotta,
Vallam,
Vellore District.

..Petitioner/ Accused -1

Vs

The State Rep. by its the inspector of Police
Vellore Taluk Police Station,
Vellore District.
Crime No. 167/2025.

..Respondent/
Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner on bail in the event of arrest in Crime No. 167 of 2025 on the file of the respondent police station .

For Petitioner: Mr.E.Sathiyaraj.

For Respondent: Mr. V.Meganathan,
Government Advocate (criminal side)

**ORDER :**

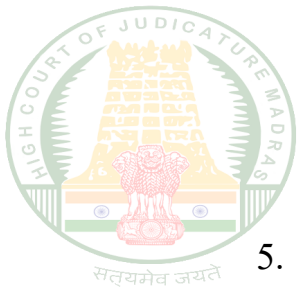
The Court made the following order :-

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), 326(a) of BNS, 2023, in Crime No.167 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on July 28, 2025, the officials of the Assistant Geology Department, along with other officials, conducted a vehicle check-up near Kanavai Village and found that the petitioner along with other accused was found in illegal transportation of 3 units of lake sand in a Tipper lorry, without valid permission. Hence, the case.

4. Mr.E. Sathiyaraj, 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 the petitioner is the owner of the vehicle. 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.



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5. *Per contra*, Mr. V.Meganathan, the learned Government Advocate (Criminal Side) appearing for the respondent-police, on instructions, submits that the accused person was illegally excavating 3 units of lake sand by using vehicle from the private land, worth of Rs. 15,000/- and the vehicle bearing registration No. TN 72 AM 0063 also seized by the respondent police. He further submits that there is one previous cases against the petitioner as similar in nature, 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 facts and circumstances of the case and considering the seizure of the petitioner's vehicle along with allegedly transported lake sand 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. Hence, there is less possibility of absconding. Considering the same and also taking into account of the fact that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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



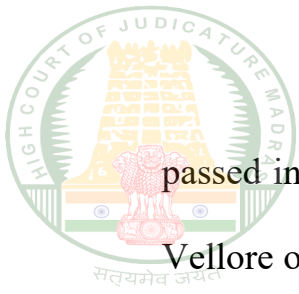
petitioner subject to the following conditions:

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(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 I, 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.25,000/- (Rupees Twenty Five 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 I, 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 I, Vellore, shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Crime No. 167 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate I, Vellore, within a period of four weeks from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate I, Vellore, shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is



passed in the case in Crime No.167 of 2025. The learned Judicial Magistrate I, Vellore or Trial Court shall pass orders *qua* entitlement of the said amount in its final order / Judgment.

(iv) The petitioner shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders.

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

(vi) 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.

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

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Vellore or Trial Court, 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].

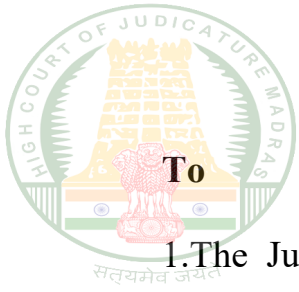
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

**20-05-2026
(RSVJ)**

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

JRS/RPP

**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 I, Vellore

2. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
Crime No. 167/2025.

3. The Additional Public Prosecutor,
Madras High Court.

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R.SAKTHIVEL, J.

JRS

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