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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12262 of 2026

1. Sankar

2. Sivakumar

..Petitioner(s)

Vs

STATE REP. BY
The Sub Inspector of Police
Santhavasal Police Station,
Tiruvannamalai District.
(Crime No.72 of 2026)

..Respondent(s)

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to enlarge the petitioners on bail in Crime No.72 of 2026 pending investigation on the file of the respondent and thus render Justice

For Petitioner(s): Mr.Elvin Niha

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The Petitioners/Accused, who were arrested on 05.05.2026 and remanded to judicial custody on the same day for the offences punishable under Sections 303(2), 326(a) of BNS Act (Corresponding section 379, 430 of IPC) and section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Cr. No.72 of 2026 on the file of the respondent police, seek bail.



2.The case of the prosecution is that the petitioner along with another accused were loading in lake soil through JCB bearing Registration No.TN 25 CC 4246 into the vehicle bearing Registration No.TN 25-BW-7715, TN-97-D-9306 and TN-25-BF-9892. Hence petitioners were arrested and seized ½ unit of lake soil and vehicle from the spot.. Hence, this petition.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners have no previous case and in this case, they are in custody from 05.05.2026; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioners.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and further submitted that, apart from this case, the petitioners have no other previous case and the lake soil and vehicles were seized.

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



6. Considering the rival submissions and the nature of the offence, period of incarceration, the fact that the petitioners have no other previous cases, the soil and vehicle were seized and that since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Plour, Tiruvannamalai** and on further conditions that:

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

[b] the petitioners shall report before the respondent Police, everyday Saturday at 10.30 a.m., for a period of four weeks;

[c] the petitioners shall not abscond either during investigation or trial;



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[d] the petitioners shall not tamper with evidence or witness 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 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

13-05-2026

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

SSR

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
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To

- 1.The Judicial Magistrate, Plour, Tiruvannamalai.
- 2.The Sub Inspector of Police
Santhavasal Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent,
Sub Jail, Polur, Tiruvannamalai.



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P.DHANABAL, J.

SSR

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