



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 12682 of 2026

Iyappan
S/o. Nagappan,
No.78, Pillayar Koil Street,
Govinda Reddypalayam,
Athiyur Post,
Vellore District,

..Petitioner/unnamed
Accused

Vs

State by Inspector of Police
Aviyoor Police Station,
Vellore District.
Crime No. 15 of 2026

..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 by the respondent police in Crime. No. 15 of 2026 on the file of the respondent police.

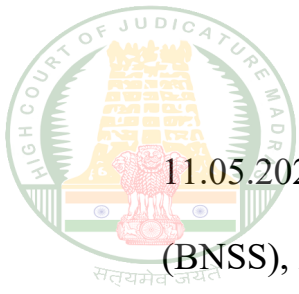
For Petitioner(s): Mr.J.George Bennet for Mr.D.Thirumoorthy

For Respondent(s): 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



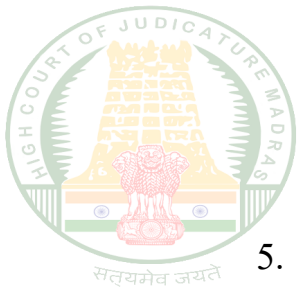
11.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) and 326 (a) of BNSS, 2023, and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.15 of 2026, on the file of the respondent-police.

3. The case of the prosecution is that on January 31, 2026, an offence was committed involving the unauthorised storage of 5 units of sand, intended for residential construction, on land situated in Survey No.320/27, Thellur Village, Vellore District. Following the registration of the crime, the first accused (a1) was apprehended and rendered a confession statement. Based on the incriminating disclosures made in the co accused's statement, the petitioner was formally implicated in the offence. Hence, the case.

4. Mr. J. George Bennet, counsel representing for Mr. D. Thirumoorthy, counsel on record for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. 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 accused person was illegally transporting 5 units of river sand. He further submits that the petitioner has involved in two cases on single day. 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 allegedly transported and stored the river sand for residential construction, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and 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 the river sand transported and stored by the accused person for construction of residential purpose 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:



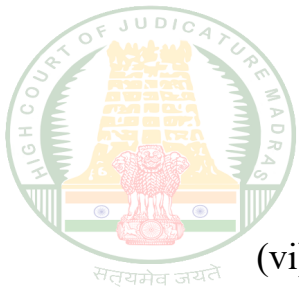
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate I, Vellore, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty 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 appear and sign before the respondent police twice a week on every Monday and Friday at 10.00 a.m. until further orders.

(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 not leave India without prior permission of the Court.

(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



R.SAKTHIVEL J.

JRS/RPP

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

To

1.The Judicial Magistrate I, Vellore.

2.TheInspector of Police
Aviyoor Police Station,
Vellore District.
Crime No. 15 of 2026

3.The Additional Public Prosecutor,
Madras High Court.

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