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Crl.O.P.No.13177 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2026

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THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.13177 of 2026

P.Prabakaran
S/o.Perumal

... Petitioner/Accused No.1

Vs.

The State represented by
The Inspector of Police,
Ambalur Police Station,
Thirupathur District.
Crime No.173 of 2025

...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.173 of 2025 on the file of the respondent police.

For Petitioner : Mr.C.D.Sugumar
Advocate

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)



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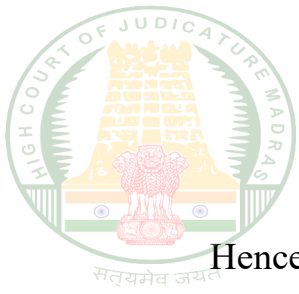
ORDER

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This Criminal Original Petition has been filed by the petitioner on 18.05.2026 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 r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.173 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, while the defacto complainant was patrolling near Samundeeshwari Amman Temple at Thekkupattu Village, in connection with illegal sand mining, he noticed a Tata mini tipper lorry, bearing No.TN 28 BL 6978 and one JCB without registration number plate, belongs to the petitioner, being used by the petitioner along with other accused persons to transport sand without prior permission from the competent authority. The defacto complainant seized the said vehicle along with two units of ordinary sand and also arrested the accused persons.



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Hence, the case.

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4. Mr.C.D.Sugumar, 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 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.A.Gopinath, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A1. He further submits that the other accused person was illegally transporting temple sand along with this petitioner. He further submits that there are nine previous cases against the petitioner and out of which, two cases are similar in nature. 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.



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

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7. Considering the fact that the vehicle along with allegedly transported sand 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 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, Vaniyambadi at Thirupathur, 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.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Vaniyambadi at

4/8



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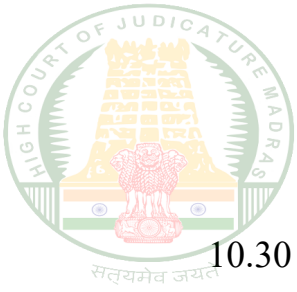
Thirupathur.

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(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 District Munsif-cum-Judicial Magistrate 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.173 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Vaniyambadi at Thirupathur within a period of four weeks from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate 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.173 of 2025. The learned Judicial Magistrate 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 learned Judicial Magistrate, Vaniyambadi at Thirupathur on every Monday and Friday at 5/8



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10.30 a.m. until further orders.

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(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 *de facto* complainant and witnesses and shall not tamper the evidence.

(viii) The petitioner shall not leave India without prior permission of the Court.

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Vaniyambadi at Thirupathur. or Trial Judge, as the case



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may be, 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*.

(R S V J)
21.05.2026

dpq

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.**



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R.SAKTHIVEL. J.

dpq

To

1.The Judicial Magistrate, Vaniyambadi at Thirupathur.

2.DO THROUGH:

The Chief Judicial Magistrate, Thirupathur.

3.The Inspector of Police,
Ambalur Police Station,
Thirupathur District.

4.The Public Prosecutor,
Madras High Court.

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