

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 20-05-2026**

**CORAM**

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**CRL OP No. 12785 of 2026**

Lokesh  
S/o.Chinnappan,  
Pillaiyar boil Street  
Ramaraj Kandigai Village and Post,  
R.K.Pet Taluk  
Thiruvallur District .

..Petitioner/ Accused -2

Vs

State Rep By, Inspector of Police,  
R.K\_Pet Police Station,  
Thiruvallur District  
(Crime No. 122/2026)

..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 his arrest in Crime.No.122 of 2026 on the file of the Respondent.

For Petitioner: Mr. G.P.Sivakumar

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 Section 303(2) of BNS Act, 2023, read with 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.122 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that defacto complainant, who is the Sub Inspector of Police, lodged a complaint that on 17.04.2026 the respondent police conducted the routine vehicle check up at Kolery Vilage, at that time the respondent police intercepted a vehicle (Ashok Leyland Lorry) bearing Registration No. TN 28 AD 6671; upon inspection, the vehicle was found illegally transporting approximately 3 units of Saralai sand without any valid permit, license or lawful documentation from government authorities. An enquiry revealed that the accused persons had unlawfully excavated the sand for sale and personal gain, resulting in the seizure of both the lorry and the Saralai sand and an FIR was registered as against the accused persons. Hence, the case.

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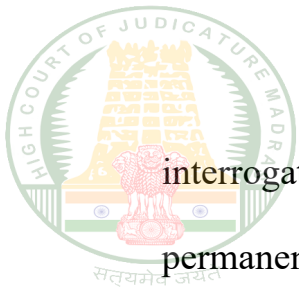


4. Mr. G.P.Sivakumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is the cleaner of the vehicle. The vehicle owner/ accused No.1 alone was arrested and got anticipatory bail earlier. 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/Accused No.2.

5. *Per contra*, Mr. V.Meganathan, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused persons were illegally transporting 3 units of Saralai Sand by using vehicle. He further submits that there are six previous cases 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.

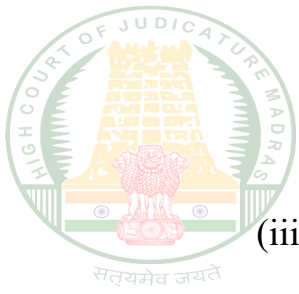
7. Considering the fact that the petitioner is only the cleaner of the vehicle and the alleged transported Saralai sand along with the lorry has already been seized by the respondent-police, this Court is of the view that the custodial



interrogation of the petitioner/A2 is not necessary. Further, the petitioner has permanent residence and hence, there is less possibility of absconding. The first accused was arrested and released on bail already. Considering the same and also considering the facts and circumstances of the case, the nature of the offence, the quantity of Saralai sand allegedly transported by the accused persons and with a view to give an opportunity to the petitioner/A2 to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner/A2 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 District Munsif cum Judicial Magistrate, Pallipet, 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 District Munsif cum Judicial Magistrate, Pallipet.

(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, Pallipet, 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 in 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.

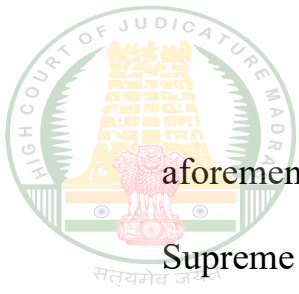
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(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 District Munsif cum Judicial Magistrate, Pallipet, 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]***.

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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 District Munsif cum Judicial Magistrate , Pallipet.

2.The Inspector of Police,  
R.K\_Pet Police Station,  
Thiruvallur District  
(Crime No. 122/2026)

3.The Public Prosecutor,  
Madras High Court.



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CRL OP No. 12785 of 2



**R.SAKTHIVEL, J.**

**JRS/RPP**

**CRL OP No. 12785 of 2026**

**20-05-2026**