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Crl. O.P. No.13042 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl. O.P. No.13042 of 2026

Venkatesan Mohan
S/o.Mohan Seenu

..Petitioner(s)

Vs

State Rep by,
Inspector of police
Kandili Police Station,
Tirupathur.
(Crime no.68/2026)

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the petitioner on bail on event of their arrest in connection with Cr.No.68 of 2026 on the file of the respondent police.

For Petitioner(s): Mr.Periaswamy I

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 305(e) and 326(a) of BNSS, 2023, in connection with Crime No.68 of 2026 seeks anticipatory bail.

2. The case of the prosecution is that on 19.02.2026, based on secret information, the respondent police found that the petitioner had smuggled sand from the river in a JCB bearing No.TN 29 CV 7887. When the respondent



Police reached the place, the petitioner fled from the spot. Hence the case.

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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the petitioner is only a driver of the vehicle. He would submit that the petitioner has been implicated in this case based on false information. It is also submitted that the petitioner is ready to abide by the conditions that may be imposed by this Court. Hence, he prayed anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal Side), per contra, would submit that the offences are grave in nature and the investigation is pending, respondent police seized the sand and the vehicle. He further submitted that there are no previous case pending against the petitioner and the co-accused was arrested and released on bail. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on



either side and the quantity of material involved and also the fact that the petitioner has no previous case and the accused has been arrested and granted bail, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-II at Tirupattur** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m. for a period of four weeks and thereafter as and when required for interrogation;

[b] 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;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 269 BNSS, 2023.

14-05-2026

MKA/SHA

Note:

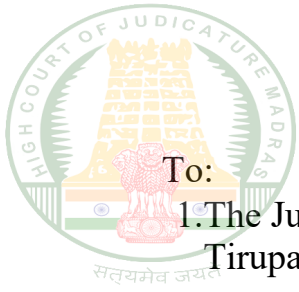
1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To:

1.The Judicial Magistrate-II,
Tirupattur.

2.The Inspector of police
Kandili Police Station,
Tirupathur.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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P.DHANABAL J.

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