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CRL OP No. 12904 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

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THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12904 of 2026

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..Petitioner(s)

Vs

The State, rep by The Inspector of Police
Arakandanallur Police Station,
Villupuram District.
(Crime No. 19 of 2026)

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the petitioners on bail in the event of their arrest in connection with Crime No. 19 of 2026 on the file of the respondent police and thus render justice

For Petitioner(s): Mr.J. Jawahar
P.S. Annapoorani

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

ORDER

The petitioners who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No. 19 of 2026, seek anticipatory bail.



2. The case of the prosecution is that on the alleged date of occurrence, the Village Administrative Officer along with other revenue officials conducted an inspection in the river bed area within the jurisdiction of Arakandanallur Police Station and found that sand was being illegally quarried and transported without any valid permit or license. It is alleged that certain persons were engaged in the unlawful mining of river sand using vehicles and mechanical means. Based on the complaint of the competent authority, the present FIR came to be registered. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, their names have not been mentioned in the FIR, and no specific overt act has been attributed to them. He further submitted that they have been falsely implicated solely based on the confession statement of the co-accused, which lacks independent evidentiary value. He stated that no vehicle, sand, or material object has been seized from the petitioners, nor has any recovery been effected at their instance. He further submitted that this is the first anticipatory bail application before this Court, no similar petition is pending before any other court, and the petitioners have no previous cases pending against them. He added that the petitioners are ready to cooperate with the investigation and abide by any conditions imposed by this Court. Hence, he prayed anticipatory bail for the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the matter involves the illegal mining and transportation of river sand. However, he admitted that the names of the petitioners do not find a place in the FIR and conceded that they have no bad antecedents or previous criminal cases pending against them. Hence, he vehemently opposed the grant of anticipatory bail to the Petitioners.

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

6. Considering the rival submissions made by the learned counsel on either side, the nature of offences, the fact that the petitioners' names were not in the FIR, the fact that they were implicated solely on the basis of a co-accused confession with no physical recovery from them, and also the fact that no previous case is pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are 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 District Munsif cum Judicial Magistrate Court, Thiruvannainallur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

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[a] the petitioners 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 her 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;

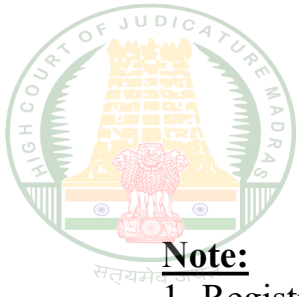
[d] the petitioner shall not abscond either during investigation or trial;

[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.

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

To:

1. The District Munsif cum Judicial Magistrate
Court, Thiruvannainallur.

2. The The Inspector of Police
Arakandanallur Police Station,
Villupuram District.

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



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P.DHANABAL, J.

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