



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13156 of 2026

Udhaya @ UdhayaKumar
S/o. Soundarrajan

..Petitioner/Accused-1

Vs

The State rep by its
The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.
Crime No.244 of 2026

..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.244 of 2026 on the file of the respondent police.

For Petitioner : Mr.R.Raji
Advocate

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

ORDER

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 in Crime No.244 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, on 07.05.2026 while the respondent police was patrolling, the petitioner transported ½ unit of sand without prior permission from the competent authority. The respondent police arrested the accused person. Hence, the case.

4. Mr.R.Raji, 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 five accused persons in this case and the petitioner has been arrayed as A1. He further submits that the other accused persons were illegally transporting river sand by using the petitioner's vehicle. He further submits that there is one previous case against the petitioner. He further submits that the investigation of the case is still pending and therefore, at this stage, if the pre-

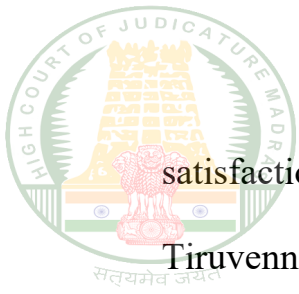


arrest bail is granted to the petitioner, he will commit similar type of offence and cause loss to wealth of the nation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the petitioner's vehicle along with allegedly transported river 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 river 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 District Munsif-cum-Judicial Magistrate, Tiruvannainallur, 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 District Munsif-cum-Judicial Magistrate,
Tiruvonnainallur.

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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 their identity proofs to ensure their identity.

(iii) The petitioner shall donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Green Committee, Villupuram District, within a period of one month from today. He shall also file a proof of payment to the learned District Munsif-cum-Judicial Magistrate or Trial Court.

(iv) The petitioner shall appear and sign before the learned District Munsif-cum-Judicial Magistrate, Tiruvonnainallur on every Monday and Friday at 10.30 a.m. until further orders.

(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.

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(vii) The petitioner shall also not, directly or indirectly, cause any threat to the witnesses and shall not tamper the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the District Munsif cum Judicial Magistrate, Tiruvennainallur.

(ix) On breach of any of the aforementioned conditions, the learned District Munsif-cum-Judicial Magistrate, Tiruvennainallur or Trial Judge, as the case 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

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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 District Munsif-cum-Judicial Magistrate,
Tiruvonnainallur.

2. DO THROUGH:
The Chief Judicial Magistrate, Villupuram.

3. The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.

4. The Public Prosecutor,
Madras High Court.



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R.SAKTHIVEL, J.

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