



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13157 of 2026

1. Arun @ Arun Pandian
S/o.Vishwanathan

2. Nirmalraj Nirmal
S/o.Durairaj

3. Ayyanar
S/o.Sivakumar

..Petitioners/Accused-2, 4 and 5

Vs

State Represented by
The Inspector of Police
Tiruvonnainallur Police Station,
Villupuram District.
(In Crime No.243 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.243 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 : The Court made the following order :-

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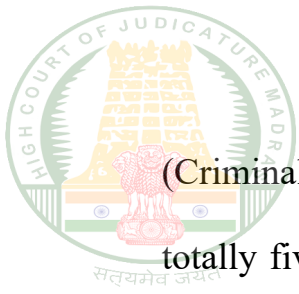
This Criminal Original Petition has been filed by the petitioners on 18.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners 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.243 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, on 07.05.2026 while the defacto complainant was patrolling, the petitioners transported ½ unit of river sand without prior permission from the competent authority. The defacto complainant arrested the accused persons. Hence, the case.

4. Mr.R.Raji, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He however submits that the petitioners are ready to abide any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

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 A2, A4 and A5. He further submits that the other accused persons were illegally transporting river sand along with these petitioners. He further submits that there is one previous case against the petitioners-1 and 3/Accused 2 and 5. 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 petitioners, they 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 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 petitioners is not necessary. Further, the petitioners have 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 petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

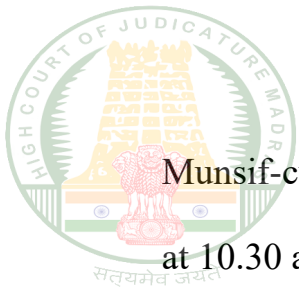


(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned District Munsif-cum-Judicial Magistrate, Tiruvonnainallur, within a period of 15 days from the date on which the order copy is made ready, on each of them executing 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.

(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) Each of 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. They shall also file a proof of payment to the learned District Munsif-cum-Judicial Magistrate or Trial Court.

(iv) The petitioners shall appear and sign before the learned District



Munsif-cum-Judicial Magistrate, Tiruvannainallur on every Monday and Friday
at 10.30 a.m. until further orders.

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(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) The petitioners 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 him from disclosing such facts to the Court or to any police officer.

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

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

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

(x) On breach of any of the aforementioned conditions, the learned District Munsif-cum-Judicial Magistrate or Trial Judge, as the case may be, is



entitled to pass appropriate orders against the petitioners 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, Tiruvennainallur.
- 2.DO THROUGH:
The Chief Judicial Magistrate, Villupuram.
- 3.The Inspector of Police,
Tiruvennainallur Police Station,
Villupuram District.
- 4.The Public Prosecutor,
Madras High Court.



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R.SAKTHIVEL, J.

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