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CRL OP No. 13269 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13269 of 2026

Ramesh
S/o.Perumal,
No. 33,Periyar nagar,
Muthumari amman kovil street,
Pulikoradu,
Tambaram West,
Kancheepuram District

..Petitioner/Accused

Vs

The State Rep by its,
The Inspector of Police
Walajabad Police Station,
Kancheepuram District.
(Crime No.121 of 2026)

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the Petitioner on anticipatory bail in the event of his arrest by the Respondent Police pending investigation in Crime No. 121 of 2026 on the file of the Respondent Police.

For Petitioner:

Mr.D.Padmanabhan

For Respondent:

Mr.A.Gopinath
Government Advocate (Criminal Side)



ORDER

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This Criminal Original Petition has been filed by the petitioner / Accused on 18.05.2026 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 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 326(a) and 305(e) of Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.121 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, on 11.05.2026, while the defacto complainant was patrolling near Kadavakkam, Theneri, Agaram, noticed the vehicle bearing Registration No. TN 66 A 6908 belongs to the petitioner, being used by the accused to transport sand without prior permission from the competent authority. The defacto complainant seized the said vehicle along with five units of river sand and also arrested one Thiyagarajan. Hence, the case.

4. Mr.D.Padmanabhan, the learned counsel for the petitioner, submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the



owner of the vehicle. 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 two accused persons in this case and the petitioner has been arrayed as Accused No.2. He further submitted that the other accused person was illegally transporting river sand by using the petitioner's vehicle. He further submitted that there are three previous cases pending against the petitioner under the City Police Act. He further submitted that the petitioner is the first time offender. However, 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 Judicial Magistrate No.2, Kancheepuram District, 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 Judicial Magistrate No.II, Kancheepuram District.

(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 Judicial Magistrate No.2, Kancheepuram District 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 everyday at 10.00 a.m. until further orders.



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(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 Trial Court.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.2, Kancheepuram District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.2, Kancheepuram District or Trial



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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*.

21-05-2026

SHL/NSL

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 Judicial Magistrate No.2,
Kancheepuram.

2. The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.

3. The Public Prosecutor
High Court of Madras



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R.SAKTHIVEL J.

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