



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13220 of 2026

S Magendran
Son of Settu,
NO.2/221, Manganeri Village, Kolagampatti
Post, Dharmapuri District-636 902

..Petitioner/Accused No.2

Vs

The State rep by
The Inspector of Police
Gobinathampatti Police Station,
Dharmapuri District
(Crime No.52 of 2026)

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner in the
event of his arrest in Crime No.52 of 2026 on the file of the respondent police.

For Petitioner(s): Ms.Saritha Sivakumar

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



ORDER

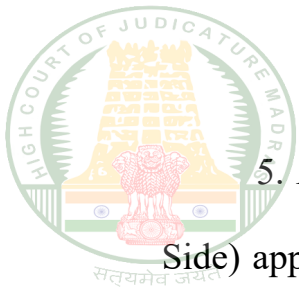
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This Criminal Original Petition has been filed by the petitioner on 18.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehend arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of BNS, 2023 in Crime No.52 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, on 08.04.2026, the petitioner/A2 along with A1 was found illegally transporting 3½ units of gravel sand by using a Tipper Lorry bearing Registration No.TN-37-BS3033 without prior permission from the competent authority. Hence, the respondent police seized the said vehicle along with 3½ two units of gravel sand. Hence, the case.

4. Ms.Saritha Sivakumar, 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.S.Balaji, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner/A2 along with A1 was found illegally transporting 3½ units of gravel sand by using a Tipper Lorry. He further submits that A1, who is the driver of the Lorry was arrested and released on bail. The petitioner/A2 is the owner of the Lorry. He however submits that there is no previous cases 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 gravel sand has already been seized by the respondent-police and there is no previous case against the petitioner, 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 alleged offence, the quantity of gravel 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:

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(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 **Judicial Magistrate, Pappireddipatti**, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the **learned Judicial Magistrate, Pappireddipatti**.

(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 shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent police every **Monday and Friday at 10.00 a.m. until further orders**.

(iv) The petitioner shall make themselves 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.

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

(vii) The petitioner shall furnish his residential address and mobile number to the **Judicial Magistrate, Pappireddipatti**.

(ix) On breach of any of the aforementioned conditions, the learned **Judicial Magistrate, Pappireddipatti** 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*.

21-05-2026

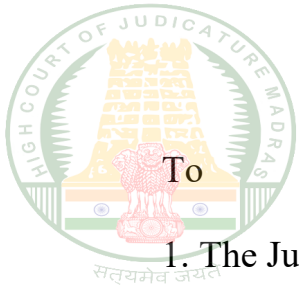
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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Note:-

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 Judicial Magistrate, Pappireddipatti.

2. The Inspector of Police
Gobinathampatti Police Station,
Dharmapuri District

3. The Public Prosecutor,
High Court, Madras.

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CRL OP No. 13220 of 2



R.SAKTHIVEL, J.

KSA-2

CRL OP No. 13220 of 2026

21-05-2026