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CRL OP No.13224 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No.13224 of 2026

Ajith
S/o Anbalagan

... Petitioner / Accused 3

Vs.

The State Rep by
The Inspector of Police,
Voimedu Police Station,
Voimedu, Nagapattinam District.
(Crime No.96 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.96 of 2026 on the file of the respondent police.

For Petitioner : Mr.R.Murugabharathi

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
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(BNSS), 2023, praying to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS 2023 read with Section 21(1) of the Mines and Mineral (Development and Regulation) Act, 1957, in Crime No. 96 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that, while the respondent police was on patrol duty, they found the petitioner in illegal possession of one unit of river sand and transporting the same in a Tractor vehicle and JCB. Hence, the case.

4. Mr.R.Murugabharathi, 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 further submit that the petitioner is the owner cum driver of the JCB. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.A.Gopinath, the learned Government Advocate

(Criminal Side) appearing for the respondent-police, submits that the petitioner has illegally transported one unit of river sand in both Tractor and JCB. He further submits that there is no previous case against the petitioner. Hence, 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 and therefore, there is less possibility of absconding. Considering the same and the nature of the offence allegedly committed by the petitioner, this Court is inclined to grant an order of pre-arrest bail 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, Vedaranyam, Nagapattinam District

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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, Vedaranyam, Nagapattinam 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, shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) **The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No. 96 of 2026 on the file of District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District within a period of four weeks from the date on which the order copy is made ready. In turn, the learned District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District, shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is**



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passed in the case in Crime No.96 of 2026.

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(iv) The petitioner shall appear and sign before the respondent-police weekly twice on Monday and Friday at 10.00 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.

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

(viii) The petitioner shall not leave India without the previous permission of the Court.



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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Tiruvallur or Trial Court 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*.

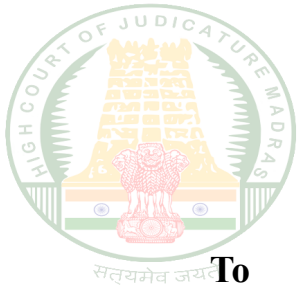
21.05.2026

DPQ

Note:

1. Registry is directed to forthwith upload this order on the Official Website of this Court.

2. All concerned to act on this order being uploaded on Official Website of this Court without insisting on certified hard copies. To be noted, this order, when uploaded on the official website of this Court, will be watermarked and will also have a QR code.



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To

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1. The District Munsif cum Judicial Magistrate,
Vedaranyam, Nagapattinam District
2. The Inspector of Police,
Voimedu Police Station,
Voimedu, Nagapattinam District.
3. The Public Prosecutor,
Madras High Court, Madras.



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R. SAKTHIVEL, J

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