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Crl.O.P.No.13381 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2026

CORAM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.13381 of 2026

Neelakandan

S/o.Sivasankaran

... Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
Edaikkal Police Station,
Kallakurichi District
Crime No.56 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.56 of 2026 on the file of the respondent police.

For Petitioner : Mr.Balachandran.T
Advocate

For Respondent : Mr.R.Ganesh Kumar
Counsel for Government of
Tamil Nadu (Criminal side)
Asst.by Mr.Mohammed Imran.A



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ORDER

This Criminal Original Petition has been filed by the petitioner on 11.05.2026 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) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 r/w 21 (1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.56 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that on 10.04.2026 around 12:00 p.m. during routine vehicle check near the Asanur SIPCOT, the respondent police intercepted a vehicle (Registration No.TN 46 M 4699) involved in the illegal transportation of three units of pebbles. Hence, the case.

4. Mr.Balachandran.T, learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any

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offence as alleged by the prosecution. He however submits that the petitioner is ready to abide any conditions to be imposed by this Court.

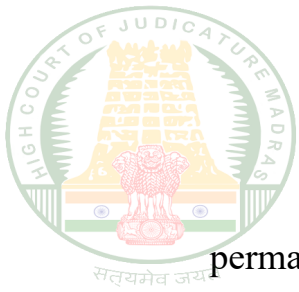
Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Ganesh Kumar, learned Counsel for the Government of Tamil Nadu (Criminal Side), Assisted by Mr.Mohammed Imran.A, appearing for the respondent-police, submits that the petitioner is a regular offender with seven previous cases, six of which are of a similar nature. 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 both sides. This Court has perused the records.

7. Considering the fact that the petitioner's vehicle along with illegally transported 3 units of pebbles 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

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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 pebbles 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.I, Ulunderpet, Kallakurichi 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.50,000/- (Rupees Fifty Thousand only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Ulunderpet, Kallakurichi 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.I, Ulundurpet, Kallakurichi district shall obtain a copy of



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any one of identity proofs to ensure their identity.

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(iii) The petitioner shall appear and sign before the respondent Police daily at 10.00 a.m. until further orders.

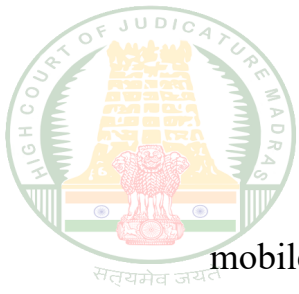
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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 Court.

(viii) The petitioner shall furnish his residential address and



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mobile number to the concerned Magistrate.

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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Ulundurpet, Kallakurichi district 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*.

22.05.2026

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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.**



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To

- 1.The Judicial Magistrate No.I,
Ulundurpet, Kallakurichi district
- 2.Do Through the Chief Judicial Magistrate,
Ulundurpet.
- 3.The Inspector of Police,
Edaikkal Police Station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras.



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R.SAKTHIVEL. J.

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