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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30686 of 2026

CNR:{HCMA012559922026}

Sathish Kumar
S/o Thiyagaraja,
Vadamampakkam,
Vadamampakkam Post,
Arakkonam Taluk,
Vellore District.

..Petitioner(s)

Vs

The Inspector of Police
Tirupattur Town Police Station,
Tirupattur District.
Crime No.196 of 2026

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.196 of 2026 on the file of Respondent Police on such terms and condition as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.S.Udayakumar

For Respondent(s): Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Crl. Side)

Order

The petitioner, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Section 305(e) of the BNS, 2023, in

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Crime No.196 of 2026 on the file of the respondent Police, has approached this Court seeking anticipatory bail.

2.The allegation against the petitioner is that, on 19.07.2026, the defacto complainant lodged a complaint before the respondent police, alleging that 55 logs of red sandalwood, which had been kept in the depot were stolen on 18.07.2026. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is a driver by profession and has no connection whatsoever with the theft of red sandalwood from the depot. The persons involved in the crime namely A1 and A2, had already been arrested and released on bail by this Court vide orders dated 01.09.2026 and 03.09.2026 in Crl.O.P.Nos.24441 and 24918 of 2026 respectively. The petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the entire stolen property had been recovered and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. The petitioner has voluntarily offered to deposit Rs.1,50,000/- to show his bonafide. Hence, he prays for grant of bail to the petitioner.

4.Per contra, the learned Counsel for Government of Tamil Nadu (Crl. Side) appearing for the respondent police reiterated the prosecution case and

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submitted that the co-accused had already been arrested and released on bail. The petitioner was involved in the theft of rosewood, and 29 rosewood logs were yet to be recovered. He further submitted that six co-accused in this case are still absconding. He also submitted that the petitioner has no previous case, pending against him. Hence, he opposed to grant anticipatory bail to the petitioner.

5.I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6.From the submission made by the learned Government Advocate (Crl.Side) and the learned counsel for the petitioner, though, this Court views that this is not a case of smuggling, but a case of theft. Considering that a substantial portion of the stolen property was recovered and co-accused were also arrested and released on bail and the petitioner name was not found in the FIR, Considering the same, this Court is inclined to enlarge them on anticipatory bail, subject to certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate**

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No.1, Tirupattur District, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only),** with **two sureties each,** for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) As per the petitioner's voluntary submission, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One lakh fifty thousand only) to the credit of Crime No.196 of 2026, before the learned Judicial Magistrate No.I, Tiruppatur District;

(d) The petitioner shall report before the respondent police daily at 10:30 A.M., until further orders;

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions

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have been imposed and the petitioner is released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

23-10-2026

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To

1.The Judicial Magistrate No.I,
Tirupattur District.

2.The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur District.

3.The Public Prosecutor,
High Court of Madras.

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N.RAMESH J.

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