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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30753 of 2026

Suriya,
S/o.Annadurai,
No.42, Vanniyar Veethi,
Chinna Chettikuppam Village,
Gudiyatham Taluk,
Vellore District. ...Petitioner/Accused-A2

Vs

The State rep. By,
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District. ...Respondent/Complainant
(Crime No.246 of 2026)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner's on bail in connection with Crime No.246 of 2026 on the file of the Respondent Police.

For Petitioner(s): Mr.A.Vijaya Kumar
For Respondent(s): Mr.M.M.I.Khaleel,
Govt.Advocate (Crl.Side)

O R D E R

The Petitioner, who was arrested and remanded to judicial custody on 04.10.2026 for the alleged offence under Sections 303(2) and 326(A) of BNS Act, 2023, in Crime No.246 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused was found transporting one unit of river sand in a Tractor. Hence, the present case was registered against the petitioner and others.

3. The learned counsel appearing for the petitioner submitted that 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 petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the petitioner has been incarcerated since 04.10.2026. He further submitted that the petitioner has three previous cases. However, he opposed the grant of bail to the Petitioner.

5. Hearing both sides and perusing the materials on record, this Court takes note of the fact that the vehicle used in the alleged offense has already been secured and the quantity involved is one unit of river sand. Considering the nature of the present offense, the quantum of the seized material, the period of custody undergone by the petitioner, and the stage of the investigation and the

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fact that the petitioner has three previous cases, this Court is inclined to grant bail to the petitioner, but with stringent conditions to ensure his appearance and good conduct.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Gudiyatham,** and on further conditions that:

[a] the sureties shall affix his 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 the identity proofs to ensure his identity;

[b] the petitioner shall report before the respondent police daily at 10:30 A.M. until further orders;

[c] The petitioner is directed to produce a Demand Draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) in favour of the '*The Chairman/District Collector, The District Mineral Foundation Trust of Vellore District*', *(Non refundable)* before the learned Judicial Magistrate, Gudiyatham;

(d) On production of the above Demand Draft, the learned Magistrate is directed to take necessary steps to hand over the same to the District Collector. Upon receipt of the said amount, the District Collector shall realize and utilize the same strictly in accordance with

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law and in terms of G.O.Ms.No.84, Natural Resources (MMD.1) Department, dated 16.12.2025;

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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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 the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate, Gudiyatham.
2.The Inspector of Police,
Gudiyatham Taluk Police Station,Vellore District.
3.The Superintendent,Central Prison, Vellore.
4.The Public Prosecutor,High Court, Madras.

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N.RAMESH, J.

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