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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.O.P.No.30831 of 2026

CNR: {HCMA012565012026}

Arivazhagan ..Petitioner(s)

Vs

State by,
The Inspector of Police,
Pallikonda Police Station,
Vellore District.
Cr.No.207 of 2026.

..Respondent(s)

PRAYER: Criminal Original Petition is filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in Cr.No.207/2026 on the file of the Respondent Police.

For Petitioner(s) : Mr.D.Thirumoorthy

For Respondent(s) : Mrs. R.S.Indira
Additional Public Prosecutor

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 09.10.2026 for the alleged offences punishable under Sections 303(2) & 326 (a) of BNS r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.207 of 2026, on the file of the respondent police, seeks regular bail.

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2. The case of the prosecution is that the petitioner, along with two other accused, was found transporting four units of river sand in a Tipper Lorry without any valid permit or license. Consequently, the present case was registered against the petitioner and other accused.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the vehicle has already been secured by the authorities concerned and there is no previous case against the petitioner. He further submits that the petitioner has been incarcerated in judicial custody since 09.10.2026. Hence, the petitioner may be granted bail.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent strongly opposes the grant of bail to the petitioner. She also submits that there is no previous case against the petitioner.

5. Hearing both sides and perusing the materials on record, this Court takes note of the fact that the vehicle used for the commission of the alleged offence has already been secured and the quantity involved is four units of river sand. Considering the nature of the present offence, the quantum of the seized material, the period of custody undergone by the petitioner, the stage of the investigation and that there is no previous case against the petitioner, this Court

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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 No.V, Vellore,** 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.50,000/- (Rupees Fifty 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 No.V, Vellore;

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

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[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]; and

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

23-10-2026

Neutral Citation: Yes/No

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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

1. The Judicial Magistrate No.V,
   Vellore.

2. The Inspector of Police,
   Pallikonda Police Station,
   Vellore District.

3. The Superintendent,
   Central Jail, Vellore.

4. The Public Prosecutor,
   High Court of Madras.

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N.RAMESH, J.

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