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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31770 of 2026

CNR: {HCMA012593802026}

Jayaraj

Case QR

..Petitioner(s)

Vs

State Rep by The Inspector of Police
Thirunavalur Police Station,
Kallakurichi District.
Cr.No.66 of 2025

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.66 of 2025 on the file of the respondent police and pass any such further order or relief as this Honble Court may deem fit and proper under the circumstances of the case and thus render justice.

For Petitioner(s): Sudhagar R.
For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 303(2) of BNS read with 21(1) of MMDR Act in Crime No. 66 of 2025 on the file of the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that he, along with the other accused, illegally transported 2 ½ units of river sand using a tipper lorry without obtaining valid permission from the competent authorities. Hence, the present petition has been filed seeking anticipatory bail.

3. The learned counsel for the petitioner submitted that the co-accused was granted anticipatory bail by this Court in Crl.O.P. No. 26012 of 2026, dated 29.09.2026. He further submitted that the petitioner, being the owner of the vehicle, is ready to abide by any conditions that may be imposed by this Court, and hence prayed for the grant of anticipatory bail. The learned counsel for the petitioner also voluntarily submitted that the petitioner undertakes to deposit a sum of Rs. 30,000/- as a non-refundable deposit towards any welfare scheme, without prejudice to his defence.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent Police strongly opposed the grant of anticipatory bail to the petitioner. Reiterating the prosecution's case, he submitted upon instructions that the petitioner had illegally transported 2 ½ units of river sand using a tipper lorry.

5. I have given my anxious consideration to the submissions made on either side.

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6. Considering the submissions made by both sides, and noting that the co-accused (the driver) has already been granted anticipatory bail by this Court in Crl.O.P. No. 26012 of 2026, dated 29.09.2026, and further taking into account that there are no previous cases pending against the petitioner, this Court is inclined to enlarge the petitioner 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-II, Ullundurpet, Kallakurichi 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 slip (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The

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learned Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(c) The co-accused has already deposited a sum of Rs. 60,000/- (Rupees Sixty Thousand only). The petitioner, being the owner of the vehicle, is directed to deposit a sum of Rs. 30,000/- (Rupees Thirty Thousand only) as a non-refundable deposit by way of a Demand Draft drawn in favour of 'The Chairman/District Collector, The District Mineral Foundation Trust of Kallakurichi District' before the learned Judicial Magistrate-II, Ulundurpet, Kallakurichi District;

(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 realise and utilise 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;

(e) The petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and there after as and when required for interrogation;

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

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conditions have been imposed and the petitioners are 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];***

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

03-11-2026

MPA

To
1. Judicial Magistrate-II, Ullundurpet, Kallakurichi District

2. The Inspector of Police
Thirunavalur Police Station,
Kallakurichi District.
Cr.No.66 of 2025

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

MPA

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