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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32016 of 2026

CNR: {HCMA012615622026}

Santhosh

Case QR

..Petitioner(s)

Vs

State rep by the Inspector of police
Gudiyatham Taluk police station, Vellore District

..Respondent(s)

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): A.Vijaya Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.10.2026 for the alleged offence under Sections 303(2) and 326(a) of BNS Act in Crime No.246 of 2026 on the file of the respondent, seeks bail.

2. The case of the prosecution is that while the respondent police were on patrol duty, they intercepted a tractor bearing Registration No. TN-73-T-9185. The petitioner was found illegally transporting one unit of river sand without a

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valid permit or licence from the Government. Consequently, the illicit sand was seized by the respondent police, and the present complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent, has been falsely implicated in this case, and 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 the grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the case of the prosecution and submitted that the petitioner was illegally transporting one unit of river sand in a tractor without any valid permission. He further submitted that the petitioner has four previous cases, out of which three cases of a similar nature are pending against him. On these grounds, he strongly opposed the grant of bail to the petitioner.

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

6. From the submissions made by the learned Government Advocate (Criminal Side), it is observed that the petitioner has four previous cases, three of which are of a similar nature. However, considering the gravity of the theft

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and exploitation of natural resources, the period of incarceration undergone by the petitioner since 09.10.2026, and in the hope that he will reform his conduct and refrain from indulging in similar activities in the future, this Court is inclined to enlarge the petitioner on bail, subject to stringent conditions.

7. 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,** for a like sum to the satisfaction of the **learned Judicial Magistrate, Gudiyatham, Vellore District,** and on further conditions that:

> [a] 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 the identity proofs to ensure their identity;
>
> [b] **The petitioner/accused is directed to produce a demand draft for a sum of Rs.35,000/- (Rupees Thirty Five 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, Vellore District, at the time of executing a bond;**
>
> **(c) 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**

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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;

(d) The petitioner shall report before the respondent police daily at 10.30 am for a period of four weeks;

[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];**

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

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MPA

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

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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,
Vellore District.

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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