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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-11-2026**

CORAM

**THE HON'BLE MR.JUSTICE N.RAMESH**

**CRL OP No. 34137 of 2026**

A.Kumaresan,
S/o.Anbu,
No.2/440, Road Street,
Gengapuram Village, Polur,
Thiruvannamalai District. ...Petitioner/Accused
(Accused rank not known)

Vs

The State represented by
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District. ...Respondent/Complainant
(Crime No.304 of 2026)

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in respect of Crime No.304 of 2026 on the file of Chetpet Police Station, Thiruvannamalai District, pending investigation.

For Petitioner(s): Mr.K.Ramaraj

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 06.11.2026 for the alleged offence under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita, 2023 (Sections 379 and 430 of Indian Penal Code respectively), read with Section 21(1) of the Mines and Minerals (Development



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and Regulation) Act, 1957, in Crime No.304 of 2026 on the file of the respondent police, seeks bail.

2. The case of the proseuction is that on 06.11.2026, at about 10.30a.m., while the Village Administrative Officer and his officials were conducting a patrol at Kengapuram Village, near the Arni-Cheyyar State Highway, under the leadership of the Tahsildar, they found a JCB illegally excavating the village lake (Lake No.0.516-72.735) without obtaining prior permission from the competent authority. When the officials attempted to apprehend the JCB, the co-accused fled from the scene. The JCB was seized under a mahazar from the petitioner, and a case was registered against him. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody since 06.11.2026. He also 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 was involved in illegally excavating the village



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lake using a JCB without obtaining prior permission from the competent authority. He further submitted that the JCB was seized under a mahazar, the co-accused fled from the scene upon seeing the officials. He further submitted that the petitioner is involved in three previous criminal cases. Hence, he strongly opposed the grant of bail to the petitioner.

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

6. Considering the nature of the allegations, the fact that the JCB has already been seized by the respondent police, and the fact that the petitioner is in judicial custody, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on him 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 Court, Polur,** 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;



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**[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;**

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

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

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in acc 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.

**20-11-2026**

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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.



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To

1.The Judicial Magistrate Court,
Polur.

2.The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.

3.The Superintendent,
Sub Jail, Polur.

4.The Public Prosecutor,
High Court, Madras.



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**N.RAMESH, J.**

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