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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL. OP. No.35124 of 2025

Thirupathi @ Thirupathiyappa

....Petitioner

Vs

The State Represented by The Inspector of Police,
Ariyoor Police Station
Ariyoor, Vellore District
Crime No.149 of 2025.

..Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.149 of 2025 on the file of the respondent police.

For Petitioner: Mr.J.Prajith

For Respondent: Ms.J.R.Archana, Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest by the respondent police for the offences punishable under Sections 303(2), 326(a) of BNS Act, 2023 and 21(1) of MMDR Act, 1957 and later altered to Section 21(1) of MMDR Act 1957 in Crime No.149 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that at the instigation of A2, the petitioner had transported river sand in four vehicles without a valid permit

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from the competent authority. It is further alleged that the petitioners, who were the drivers of the said vehicles, absconded along with three lorries bearing Regn.No.TN 73 L 9009, TN 30 BP 0677 and TN 75 B 6825 leaving one Hitachi vehicle at the place of occurrence. Hence, the case.

3. Earlier this Court had thrice dismissed the bail petition of the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the co-accused who was similarly placed accused has been released on anticipatory bail in CrI.OP.No.36029 of 2025 vide order dated 30.12.2025. He further submitted that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prayed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal side) for the respondent police reiterated the prosecution case and submitted that the petitioner along with other accused had transported river sand without a valid permit. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on



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7. Considering the nature of allegations and the submissions made by learned counsel on either side and considering the fact that the co-accused who was similarly placed accused has been granted on anticipatory bail in CrI.OP.No.36029 of 2025 vide order dated 30.12.2025, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No-I, Vellore*, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(b) the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

To
1. The Inspector of Police,
Ariyoor Police Station
Ariyoor, Vellore District
2.The Public Prosecutor
High Court of Madras.

12.01.2026

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