



Crl.O.P.No.34973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.34973 of 2025

Kumar

... Petitioner

Vs.

State By,
Represented by the The Sub Inspector of Police,
Bagayam Police Station,
Vellore.
Crime No.339 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.339 of 2025 on the file of the respondent police.

For Petitioner : Mr.M S Sriram

For Respondent : M/s.J.R.Archana
Government Advocate (Crl. Side)



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ORDER

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The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS, 2023 and Section 21(1) of Mines and Minerals (D & R) Act, 1957 in Crime No.339 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the petitioner is that the petitioner along with other accused have transported 8 units of river sand. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, petitioner is only the vehicle owner and the offence has been committed by the other accused. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that petitioner has no previous case.

5. Considering the nature of allegations and the fact that the petitioner has no previous case and the petitioner is only a vehicle owner, this Court is



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inclined to grant anticipatory bail to the petitioner with certain conditions:

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Vellore** on condition that each of 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 learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen 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 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;

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of



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**two weeks and thereafter as and when required for
interrogation;**

[d] 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]**;

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

02.01.2026

sma

To

1.Judicial Magistrate No.I, Vellore

2.The Sub Inspector of Police,
Bagayam Police Station,
Vellore.

3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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