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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16396 of 2026

Kathalingam
S/o.Nehru,
Road Street,
Melsozhyankuppam Village,
Kalasapakkam Taluk,
Tiruvannamalai District.

..Petitioner(s)

Vs

The State Rep.by its, The Sub Inspector of Police,
Adhamangalam Pudur Police Stat ion,
Tiruvannamalai.
Cr.No.70 of 2026.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to enlarge the petitioner on bail in the event of petitioners arrest in Cr.No.70 of 2026 on the file of the Respondent Police.

For Petitioner(s): Mr.P.Jayachandran

For Respondent(s): Mr.N.Palanivel,
Government Advocate (crl.side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **303(2), 326(a) of BNS read with Section 21(1) of Mines & Minerals (Development**

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& Regulation) Act, 1957 in **Crime No.70 of 2026,** on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner was involved in illegal transportation of one unit of sand without any valid permit or licence by using a tractor and that the petitioner was caught red handed by the respondent police. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner was innocent and that he has been falsely implicated in this case. He further submitted that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that one previous cases has been registered against the petitioner. Hence, he opposed to grant anticipatory 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.

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6. Considering the facts and circumstances of this case, this Court is of the view that the offence of theft of natural resources and its exploitation as serious offence. However, with a view to affording the petitioner an opportunity to reform himself and in the fond hope that he would mend his ways and not come under the adverse notice of the respondent, this Court is inclined to enlarge him 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 days from the date on which the order copy is made ready, before the **Learned District Munsif Cum Judicial Magistrate, Kalasapakkam,** 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 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 ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

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(c) **The petitioner is directed to produce a demand draft for a sum of Rs. 35,000/-(Rupees Thirty five Thousand only) each in favour of the '*The Chairman/District Collector, The District Mineral Foundation Trust of Thiruvannamalai District', (Non refundable) before the learned District Munsif cum Judicial Magistrate, Kalasapakkam.***

(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 four weeks;

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

1. The District Munsif cum Judicial Magistrate,
kalasapakkam.

2.The Sub Inspector of Police,
Adhamangalam Pudur Police Stat ion,
Tiruvannamalai.
Cr.No.70 of 2026.

3. The Public Prosecutor,
Madras High Court.

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C.KUMARAPPAN J.

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