WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE Mr.JUSTICE C.KUMARAPPAN

CRL OP No. 21816 of 2026

1. M.Rajevgandhi
   D.No.299, South Street,
   Panaimadal Post, Attur Taluk
   Salem District.
2. R.D.Senthil
   S/o. Dharmalingam,
   D.No.4/661, Thumbal Main Road,
   Thandalur Post, Attur Taluk, Salem District.

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
Yethapur Police Station,
Salem District.
Crime No.250 of 2026.

..Respondent(s)

Criminal Original Petition filed under Section 482 of BNSS, praying to enlarge the Petitioner on bail in the event of his arrest concerned in Cr.No.250 of 2026 on the file of Respondent Police on such terms and condition as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Ms.Prema Kumari
For Respondent(s): Mr.N.Palanivel,
Government Advocate (Crl.Side)

****

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections **303(2) of BNS and 21(1) of Mines & Minerals (Development & Regulation) Act, 1957** in **Crime No.250 of 2026,** on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioners is that the petitioners were involved in illegal transportation of 2 units of gravel sand without any valid permit or licence by using a Tipper lorry and that the petitioners were caught red handed by the respondent police. Hence, the case.

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

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions,

https://www.mhc.tn.gov.in/judis

WEB COPY

submitted that no previous case has been registered against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

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 submission made by the learned Government Advocate (Crl.Side) the petitioners do not have any previous case. Though, this Court views the offence of theft of natural resources and its exploitation as serious offence, taking into consideration of the fact that they have no previous cases, and upon the fond hope that they would mend himself in future and would not come under the adverse notice of the respondent, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Learned Judicial Magistrate-I, Attur,** on condition that **the each of the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand**

https://www.mhc.tn.gov.in/judis

WEB COPY

only) with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners failed 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;

(c) **Each of the petitioners/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 Salem District', (Non refundable) before the learned* Judicial Magistrate-I, Attur*;***

(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;

https://www.mhc.tn.gov.in/judis

WEB COPY

(e) The petitioner shall report before the respondent police daily at 10.30 am for a period of four weeks and thereafter, as and when required;

(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.

8.This Criminal Original Petition is ordered accordingly.

07-08-2026

KMI

To

1.The Judicial Magistrate-I,
Attur.

2.The Inspector of Police
Yethapur Police Station,
Salem District.

3. The Chairman/District Collector,
The District Mineral Foundation Trust,
Salem District.

4.The Public Prosecutor
Madras High Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

C.KUMARAPPAN, J.

KMI

CRL OP No. 21816 of 2026

07-08-2026

https://www.mhc.tn.gov.in/judis