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CRL OP No. 22628 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 22628 of 2026

1.N.Dharmalingam,
S/o.Natarajan,
Thaniyar Street,
Polur, Thiruvannamalai District.

2.J.Sathish,
S/o.Jayabalan,
605, Ganeshapuram,
Athimoor, Tiruvannamalai District.

....Petitioners

Vs

The State
Rep.by the Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
Crime No.194 of 2026.

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in respect of Crime No.194 of 2026, on the file of the Inspector of Police, Polur Police Station, Thiruvannamalai District, pending investigation.

For Petitioner(s): Mr.S.B.Viswanathan
For Respondent(s): Mr.R.Rajasekaran,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 303(2) and 326 of Bharatiya Nyaya Sanhita, 2023 (Sections 379 and 430 of Indian Penal Code respectively) in Crime No.194 of 2026, on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioners is that the petitioners were involved in illegal transportation of two unit of morabu sand without any valid permit or licence. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioners were innocent and they have not committed any such offence as alleged by the defacto complainant and they have been falsely implicated in this case. He further submitted that the petitioners 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, submitted that no previous case has been registered against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

6. Considering the submissions made by the learned counsel on either side, though the petitioners has no previous cases, this Court views the offence



of theft of natural resources and its exploitation as a serious offence. However, taking into consideration of the fact that though the petitioner has no previous cases, the same does not arise out of Mines and Minerals Act, and upon the fond hope that he would mend himself in future and would not come under the adverse notice of the respondent, this Court is inclined to enlarge them on anticipatory bail subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Polur, Thiruvannamalai District**, on condition that **the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 petitioners fails to surrender before the concerned 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) The petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*;

(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

- 1.The Judicial Magistrate,
Polur, Thiruvannamalai District.
- 2.The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.RAMESH, J.

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