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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 23084 of 2026

Murugesan
S/o.Kappukandi,
No.9/73, Noolathukombai,
Thumbalpatti Post, Salem District.

..Petitioner(s)

Vs

The State Rep by its, Inspector of Police
Mallur Police Station, Salem District.
Crime No.251 of 2026.

..Respondent(s)

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.251 of 2026 on the file of the Respondent.

For Petitioner(s): Mr. C. Deepak Kumar

For Respondent(s): Mr. R. Rajasekaran,
Government Advocate (Crl.side)

ORDER

The petitioner, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Section 21(i) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 303(2) of Bharatiya Nyaya Sanhita (BNS) 2023, in Crime No.251 of 2026 on the file of the respondent Police, has approached this Court seeking anticipatory bail.

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2. The allegation against the petitioner is that on 06.08.2026, while the official authorities were on routine inspection, they found three tractors bearing Registration Nos.TN-54-M-7258, TN-90-E-7031 and TN-90-L-2162 had illegally transporting gravel soil 2.5 cubic meters in each of the vehicle, worth approximately Rs.6,000/- without any valid transit permit, including the present petitioner. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent, has been falsely implicated in this case and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution's case and, on instructions, submitted that the petitioner, along with other individuals was illegally transporting 7.5 cubic meters of gravel soil in the above said three lorries, each containing 2.5 cubic meters of gravel soil, without obtaining a valid permit or a transit pass. He further submitted that the petitioner was caught red-handed by the revenue authorities and the Geology and Mining Department, including the Village Administrative Officer. He also submitted that although the petitioner

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had produced a transit pass on the same day, the time was wrongly mentioned therein; hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. From the submission made by the learned Government Advocate (Crl.Side) and the learned counsel for the petitioner, though, this Court views the offence of theft of natural resources and its exploitation as serious offence, 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 petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.6, Salem,** on condition that **the petitioner 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:

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(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;

(c) The petitioner is directed to produce a demand draft for a sum of Rs.20,000/- (Rupees Twenty 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 No.6, Salem;

(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 realize and utilize 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 A.M., for a period of four (4) weeks and there after as and when required for interrogation;

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(d) 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 is 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

19-08-2026

KLT

To

1.The Judicial Magistrate No.6, Salem.

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

3.The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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CRL OP No. 23084 of 2026

19-08-2026

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