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Crl.O.P.No.5351 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.5351 of 2026

Sudharsan

... Petitioner/A1

Vs.

State rep. by,
Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.
(Crime No.89 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.89 of 2026 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Sections 303(2) of BNS r/w 21(1) of Mines & Minerals (R&D) Act, 1957**, in **Crime No.89 of 2026**, on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner along with other accused illegally transported the one unit of ordinary sand by using a



Tractor without any valid licence or permit. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any such offence as alleged by the defacto complainant and 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 the petitioner has got seven previous cases. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. From the submissions made by the learned Government Advocate (Criminal Side), it is seen that the petitioner has no previous cases. However, this Court is of the view that theft of natural resources is a serious offence. Nevertheless, considering the humanitarian grounds and the submission that the petitioner would mend himself and would not commit any similar offence in future, this Court is inclined to enlarge the petitioner 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 made ready, before **the learned District -cum-Judicial Magistrate, Tharangambadi**, 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:

(a) If the petitioner 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 petitioner shall sign before the respondent police twice a day at 10.30 a.m., and 5.30 p.m., for a period of eight weeks and thereafter, 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 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.

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To:

- 1.The District-cum-Judicial Magistrate, Tharamgambadil.
- 2.The Inspector of Police, Poraiyar Police Station, Mayiladuthurai District.
- 3.The Public Prosecutor, High Court of Madras.

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