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CRL OP No. 6593 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6593 of 2026

Govindhasamy
S/o.Ponnambalam,
No.1/79, Thiruudal Street,
Kappalur,
Thiruvannamalai District-606 751.

..Petitioner(s)

Vs

State by,
The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
Cr.No.353 of 2025.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of arrest in Cr.no.353 of 2025, on the file of the Inspector of Police, Kalasapakkam Police Station, Thiruvannamalai district.

For Petitioner(s): S.Silambu Selvan

For Respondent(s): Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 r/w. 21(1) of Mines and Minerals Act**, in **Crime No.353 of 2025**, on the file of



the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner was involved in illegal transportation of 50 kgs of river sand in a two wheeler without any valid permit or licence. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner was 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 this is the second anticipatory bail petition and the earlier anticipatory bail petition was dismissed by this Court in Crl.O.P.No.28875 of 2025 dated 24.10.2025; and the petitioner 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 no previous cases have been registered against the petitioner. However, 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 submission made by the learned Government Advocate (Crl.Side), it is seen that the petitioner does not have any 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 the petitioner has no previous case, 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 him on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate, Kalasappakkam**, 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 four 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 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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1. The Judicial Magistrate, Kalasappakkam.
2. The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
Cr.No.353 of 2025.
3. The Public Prosecutor, High Court of Madras,
Chennai.



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C.KUMARAPPAN, J.

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