



WEB COPY

CRL OP No. 6560 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. 6560 of 2026**

1. Govindharaj  
S/o.Govindhan,  
4/167,Chinnamattukadi,  
Akkamanaalli, Palacode, Taluk,  
Dharmapuri.
2. Samraj  
S/o.Singaravelu,  
4/183,Chinnamattukadi,  
Akkamanaalli, Palacode, Taluk,  
Dharmapuri.

..Petitioner(s)

Vs

The State rep. by Inspector of Police  
Mathikonpalayam Police Station,  
Dharmapuri District.  
Crime No.39 of 2026

..Respondent(s)

**PRAYER :** Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.39 of 2026 on the file of the Inspector of Police, Mathikonpalayam Police Station, Dharmapuri District and thus render justice.

For Petitioner(s):

M/s.Thirumalaivasan Pachiyappan

For Respondent(s):

Mr.P.Dhileepan  
Government Advocate (Crl.Side)



## **ORDER**

The petitioners, who apprehends arrest for the alleged offence **under Sections 303(2) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.39 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 2 units of gravel sand without any valid permit or licence. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioner 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 the first petitioner has no previous case and the second petitioner has one previous case of similar nature. Hence, 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.From the submission made by the learned Government Advocate (Crl.Side), it is seen that the first 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 first 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 the first petitioner on anticipatory bail, subject to certain conditions.

7. As far as second petitioner is concerned, he has one previous case of a similar nature. Hence, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this petition is dismissed in so far as second petitioner is concerned.

8. Accordingly, the 1<sup>st</sup> 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-I, Dharmapuri**, 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:

WEB COPY

(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.



WEB COPY

CRL OP No. 6560 of 2



**13-03-2026**

MPA  
To

1. The Judicial Magistrate-I, Dharmapuri.  
2. The Inspector of Police  
Mathikonpalayam Police Station,  
Dharmapuri District.  
Crime No.39 of 2026

3. The Public Prosecutor, High Court of Madras,  
Chennai.



WEB COPY

CRL OP No. 6560 of 2



**C.KUMARAPPAN, J.**

**MPA**

**CRL OP No. 6560 of 2026**

**13-03-2026**