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CRL OP No. 7746 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7746 of 2026

S.Swamiyappan
S/o.V.Subramanian,
Door number 1-43 Araikarai Naluvadhpathy
Village and Post Office Vedaranyam Taluk,
Nagapattinam District.

..Petitioner(s)

Vs

The State rep by Inspector of Police,
Vettaikaraniruppu Police Station,
Nagapattinam District,
(Crime No. 308/2025)

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police pertaining to crime no. 308 of 2025 on the file of the respondent police and to pass such other or further orders as this Hon'ble Court may deem fit and proper and thus render justice.

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS Act 2023 and 21(1) of Mines and Minerals Act in Crime No.308 of 2025, on the file of the respondent Police, seeks anticipatory bail.

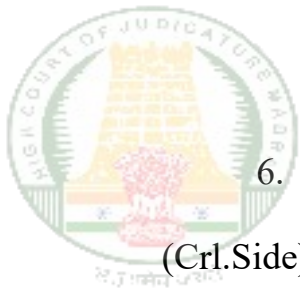


2. The allegation against the petitioner is that the petitioner illegally transported one unit of savudu sand by using tractor. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that this is the third anticipatory bail petition filed by the petitioner and that the earlier anticipatory bail petitions were dismissed on the ground that the petitioner was not only involved in quarrying savudu sand but also in causing damage to the ecology and the river bed. 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 (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that no previous case has been registered against the petitioner. However, he opposed to grant 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) it is seen that the petitioner has no bad antecedents. Though, this Court views the offence of theft of natural resources and its exploitation as serious offence, taking into consideration of the fact that he has no previous case, and upon the fond hope that he would mend themselves in future and would not come under the adverse notice of the respondent, 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 is made ready, before the **learned District Munsif cum Judicial Magistrate Court, Vedharanyam** 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 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;

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(c) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as a non-refundable amount, with the Tamilnadu State Legal Services Authority, High Court of Madras and produce the receipt at the time of executing the bond;

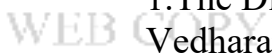
(d) The petitioner shall report before the respondent police daily at 10.30 am and 5.30 pm. for a period of six weeks and thereafter as and when required;

(e) 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];

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

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1. The District Munsif cum Judicial Magistrate,
Vedharanyam.

3.The Public Prosecutor, High Court, Madras.



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C.KUMARAPPAN, J.

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