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CRL OP No. 6557 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. 6557 of 2026

Elumalai
S/o. Kesavan,
No-83 West Street,
Palakollai Post Nadiyapattu,
Virudhachalam Taluk,
Palakollai,
Cuddalore District.

..Petitioner(s)

Vs

State rep. by Inspector of Police
Thiyagadurgam Police Station,
Kallakurichi District.
Crime No 78/2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners bail in the event of the arrest in connection with the Crime No. 78 of 2026 on the file of respondent police and thus render justice.

For Petitioner(s):

T.Balachandran

For Respondent(s):

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

ORDER

The petitioner, 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 Act**, in **Crime No.78 of 2026**, 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 4 ½ units of Pebbles stones 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 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-II, Kallakurichi District**, 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.

13-03-2026

MPA

To



1. The Judicial Magistrate-II, Kallakurichi District.
2. The Inspector of Police
Thiyagadurgam Police Station,
Kallakurichi District.
Crime No 78/2026.
3. The Public Prosecutor, High Court of Madras,
Chennai.



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C.KUMARAPPAN, J.

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