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CRL OP No. 6601 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. 6601 of 2026

1. M.Mathu
S/o0.Madesh,
D.No.141, Kannanur Mariamman Kovil,
Pakkanadu Post,
Edappadi,
Salem-636501.
2. M.Sithiyan
S/o.Mathu,
D.No.141, Kannanur Mariamman Kovil,
Pakkanadu Post,
Edappadi,
Salem-636501.

..Petitioner(s)

Vs

The State Rep.by, The Inspector of Police,
Poolampatty Police Station,
Salem District.
Crime No.60 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the Petitioners on bail in the event of their arrest by the respondent police in Crime No. 60 of 2026 pending investigation on the file of Inspector of Police, Poolampatty Police Station, Salem District.

For Petitioner(s):

A.Saravanan

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.60 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 3 units of red soil 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 no previous cases have been registered against the petitioners. However, 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.

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6. From the submission made by the learned Government Advocate (Crl.Side), it is seen that the petitioners do 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 petitioners have no previous case, and upon the fond hope that they 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 petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before **the learned District Munsif Cum Judicial Magistrate, Edappadi**, on condition that **the petitioners shall execute a separate 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 petitioners 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 petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

13-03-2026

MPA

To



1. The District Munsif Cum Judicial Magistrate, Edappadi.
2. The Inspector of Police,
Poolampatty Police Station,
Salem District.
Crime No.60 of 2026.

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



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C.KUMARAPPAN, J.

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