



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7927 of 2026

1. Prabakaran
S/o.Nedunchezhezhiyan,
Ambethkar Street,
Pidagam,
Villupuram District.
2. Mohan
S/o.Selvam,
Mariyamman Kovil Street,
Pidagam,
Villupuram District.

..Petitioner(s)

Vs

The state of Tamil Nadu rep.through
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
Cr.No.868/2025.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to release the petitioner/accused No.1 and 2 on bail in the case in Cr.No.868 of 2025 on the file of the respondent police and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr.S.Selvakumar

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



ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of the BNS, 2023 in Crime No.868 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioners is that the petitioners were illegally transporting river sand in gunny bags using a two wheeler. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court and sought anticipatory bail for 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 case has been registered against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.



5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

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6. From the submission made by the learned Government Advocate (Crl.Side) it is seen that the petitioners have 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 they have no previous cases, and upon the fond hope that they would mend themselves in future and would not come under the adverse notice of the respondent, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on 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 is made ready, before the **learned Judicial Magistrate No.I, Villupuram** 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 fail 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;

(c) The petitioners shall report before the respondent police daily at 10.30 am for a period of four weeks and thereafter as and when required;

(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.

30-03-2026

DRL

To

1.The Judicial Magistrate No.I,
Villupuram.

2. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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