



WEB COPY

CRL OP No. 7489 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7489 of 2026

1. Thamaraikani, S/o.Kumar
2. Raja, S/o.Jayabal

..Petitioners

Vs

State rep.by,
Inspector of Police,
Mailam Police Station,
Tindivanam Taluk,
Villupuram District.
Cr.No.102 of 2026.

..Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to enlarge the petitioner herein on bail in the event of his arrest at the hands of the respondent police in Crime No.102 of 2026.

For Petitioner(s): Mr.Tamil Selvan

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

ORDER

The petitioners, who apprehend arrest for the alleged offence **under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita (BNS) Act**, in **Crime No.102 of 2026**, on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners were involved in illegal transportation of three units of river sand without any valid permit or licence and that the petitioner was caught red handed by the respondent police. 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. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and 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. I have given my anxious consideration to the submission made by the learned counsel on either side and perused the materials available on record.

6. From the submission made by the learned Government Advocate (Criminal Side) it is seen that the petitioner had 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 petitioner had no previous cases, 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 petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Learned Judicial Magistrate -II, Tindivanam**, on condition that the **petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 are directed to make a non-refundable deposit of Rs.30,000/- [Rupees Thirty Thousand**



Only] directly to the credit of “Tamilnadu State Legal Services Authority, High Court Campus, Chennai”, without prejudice to the right of the defence before the Trial Court and the receipt shall be produced 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 two months; 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.

25-03-2026

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To

1. The Inspector of Police, Mailam Police Station, Tindivanam Taluk, Villupuram District.
2. Judicial Magistrate – II, Tindivanam.
3. The Public Prosecutor, High Court, Madras.



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C.KUMARAPPAN, J.

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