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CRL OP No. 7727 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. 7727 of 2026

1. Raja
2. Govindan

..Petitioners

Vs

State Rep. by,
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
Crime No 120/2026.

..Respondent

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. 120 of 2026 on the file of respondent police and thus render justice.

For Petitioner: Mr.T.Balachandran

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

ORDER

The petitioners apprehends arrest for the alleged offences under Sections 303(2) of BNS Act 2023 r/w under section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.120 of 2026 on the file of



the respondent police seeks anticipatory bail.

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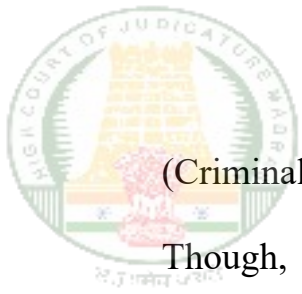
2. The allegation against the petitioners is that the petitioners were involved in illegal transportation of 3½ units of gravel sand without any valid permit or licence and that the petitioners were caught red handed by the respondent police. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners were innocent and that 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 they 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. I have given my anxious consideration to the submissions 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 petitioners had no criminal 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 petitioners 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 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 Judicial Magistrate No.1, Kallakurichi District**, 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 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.20,000/- each [Rupees Twenty Thousand Only] totalling Rs.40,000/- [Rupees Forty Thousand Only] directly to the credit of “Tamil Nadu 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 petitioners 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 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]*;

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

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1. The Judicial Magistrate No.1, Kallakurichi District

3. The Public Prosecutor High Court of Madras



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C.KUMARAPPAN J.

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