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CRL.OP.No.7935 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.7935 of 2026

Tamilselvam @ Thamizharasan

...Petitioner

Vs

State Rep by
The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.221 of 2025)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the Petitioner on Anticipatory Bail in the event of his arrest pending investigation in Crime No.221/2025 on the file of the respondent.

For Petitioner(s): Mr.Kavikannan M

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

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Sections 303(2) & 326(a) of BNS Act, 2023, Sec.21(1) of M.M (D & R) Act,** in **Crime No.221 of 2025**, on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioner is that he was involved in the illegal transportation of 5 bags of river sand, each weighing 25 Kg, using a TATA ACE vehicle. Hence, the case has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. 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 case has been registered against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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 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 petitioner is 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, Thittakudi**, 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 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 petitioner is directed to make a non-refundable deposit of Rs.25,000/- [Rupees Twenty Five 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**



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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.

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To
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- 1.The Judicial Magistrate, Thittakudi.
2. The Public Prosecutor,
High Court, Madras.
- 3.The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.221 of 2025)
- 4.The Tamilnadu State Legal Services Authority,
High Court Campus, Chennai.



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C.KUMARAPPAN, J.

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