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CRL.OP.No.7998 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.7998 of 2026

1.Tamilmaran

2.Kannadasan

...Petitioners

Vs

The State Rep by its
The Inspector of Police,
Gengavalli Police Station,
Salem District.
(Crime No.78 of 2026)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.78 of 2026 pending investigation on the file of the respondent.

For Petitioner(s):

Mr.E.Kannadasan

For Respondent(s):

Mr.P.Dhileepan,

Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence **under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.78 of 2026**, on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners driven the Tractor with Trailer and JCB and they were proceeded to Anaiyampatti River for the purpose of taking sand from the river. Hence, the case has been registered.

3. The learned counsel for the petitioners submitted that the petitioners are an innocent persons and they have been falsely implicated in this case. He further submitted that the first petitioner is the driver and the second petitioner is the owner of the vehicle and the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. 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 case has 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 have no bad antecedents. Though,



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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 them 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 days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.II, Attur**, on condition that the **petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, 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;



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(c) The petitioners are directed to make a non-refundable deposit of Rs.10,000/- [Rupees Ten Thousand Only] each 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 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 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]*;

(f) If the petitioners 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 No.II, Attur.
2. The Public Prosecutor,
High Court, Madras.
- 3.The Inspector of Police,
Gengavalli Police Station,
Salem District.
(Crime No.78 of 2026)
- 4.The Tamilnadu State Legal Services Authority,
High Court Campus, Chennai.



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C.KUMARAPPAN, J.

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