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CRL OP No. 8105 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8105 of 2026

D Vijay
S/o Dhatchanamoorthi,
Sirupullalpettai Village and Post,
Gummidipoondi Taluk,
Tiruvallur District – 601 201.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Sipcot Police Station,
Gummidipoondi Taluk,
Tiruvallur District – 601 201.
Crime No.84 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023,
to enlarge the petitioner on bail in the event of his arrest in connection with
Crime No.84 of 2026 on the file of the respondent police.

For Petitioner(s):

Mr.Vasantha Kumar

For Respondent(s):

Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) of BNS and under Section 21(1) of Mines and Minerals (Development & Regulations) Act,



1957, in Crime No.84 of 2026, on the file of the respondent Police, seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner was involved in illegal transportation of five units of river sand in a lorry bearing Registration No.TN 12 T 8854, without any valid permit or licence. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner is neither the owner nor the driver of the lorry and has been falsely implicated only based on the confession statement of the driver. He further submitted that the petitioner is a third party and that has no way connected with the alleged offence. Hence, he prays to anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioner had aided the owner and the driver of the vehicle and that the petitioner has no previous cases against him. Hence, he opposed to grant anticipatory bail to the petitioner.



5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

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6. From the submission made by the learned Government Advocate (Crl.Side) it is seen that the petitioner has 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 he has no previous case, and upon the fond hope that he 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 petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned District Munsif cum Judicial Magistrate Court, Gummidipoondi**, 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 shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as a non-refundable amount, with the Tamilnadu State Legal Services Authority, High Court of Madras and produce the receipt 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 six weeks and 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]*;



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

01-04-2026

DRL

To

1.The District Munsif cum Judicial Magistrate,
Gummidipoondi.

2.The Inspector of Police
Sipcot Police Station,
Gummidipoondi Taluk,
Tiruvallur.

3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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