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CRL OP No. 8274 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8274 of 2026

1. N.S.Murali Krishnan
S/o.Subburayalu,
Residing at
No.5, Vellakulam Village,
Aaladu Post,
Ponneri,
Thiruvallur District - 601 204.

2. N.Chandrasekaran

..petitioner(s)

Vs

The State Rep by its, Inspector of Police,
E-1, Ponneri Police Station,
Ponneri,
Thiruvallur District - 601204.

..Respondent(s)

Prayer : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners/Accused 1 and 2 herein on bail in the event of petitioners arrest in Crime No.406 of 2025 on the file of the Respondent Police and pass such further or other orders as this Honble Court may deem fit and necessary in the circumstances of the case and render justice.

For petitioner(s):

Mr.Gopinathan D

For Respondent(s):

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



police for the offences punishable under Sections 379, 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.406 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. According to the prosecution, the allegation against the petitioner is that, in order to form a canal, the petitioners removed the soil from the land of the defacto complainant. In this connection, the present complaint came to be registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and have been falsely implicated in this case and that they have not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant had encroached upon Government land and was using it as a pathway, and despite objections, continued the encroachment. Hence, a complaint was lodged before the Tahsildar, Ponneri, seeking removal of the same. Hence, he seeks 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 according to the Village Administrative Officer, the land is



poromboke land and that the entire incident took place in furtherance of laying a channel and that the petitioners have no bad antecedents. Hence, he opposed to grant anticipatory bail to the petitioners.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available

6. From the submission made by the learned Government Advocate (Crl.Side) it is seen that the petitioners have no bad antecedents. Though, this Court views the allegation seriously, it cannot be solely labelled as theft of minerals. Taking into consideration of the totality of the circumstances and the fact that the land does not belong to the defacto complainant and that there are no previous cases against the petitioners, this Court is inclined to enlarge the petitioners 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 (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.I, Ponneri**, on condition that **the petitioners 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 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 shall report before the respondent police daily at 10.30 am for a period of one week and thereafter as and when required;

(d) 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]*;

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

DRL

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To

1.The Judicial Magistrate No.I,
Ponneri.

2.Inspector of Police,
E-1, Ponneri Police Station,
Ponneri,
Thiruvallur District – 601204.

3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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