



WEB COPY

CRL OP No. 8714 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8714 of 2026

1. Ganesan @ Ganesh Raja
2. Santhosh @ Santhosh Kumar
3. Thiruvengadam

..Petitioners

Vs

State rep.by,
The Inspector of Police,
Valavanur Police Station,
Villupuram district.
Cr.No.82/2026.

..Respondent

Prayer: Criminal Original Petition filed under section 482 of BNSS to grant anticipatory bail to the petitioners and order to enlarge them on bail in the event of arrest in Cr.No.82/2026 by the respondent police.

For Petitioners: Mr.K.Muruganandham
K.Muruganandham
V.Rangarajan

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

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 303(2), 326(a) of the BNS, 2023 (379 and 430 of IPC) r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.82 of 2026, on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners were involved in illegal transportation of ½ unit of river sand using tipper lorry without any valid permit or licence and that the petitioner was 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 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 petitioners 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 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, Villupuram**, on condition that the **petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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.1,10,000/- [Rupees One Lakh and Ten Thousand Only] totally (in respect of all the petitioners) 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 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.

07-04-2026

SHL

To:

1. The Judicial Magistrate No.II, Villupuram

2. The Inspector of Police,
Valavanur Police Station,
Villupuram district.

3. The Public Prosecutor
High Court of Madras



WEB COPY

CRL OP No. 8714 of 2



C.KUMARAPPAN J.

SHL

CRL OP No. 8714 of 2026

07-04-2026