



WEB COPY

CRL OP No. 9234 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9234 of 2026

1. Vivek
S/o Ellappan,
93,Road Street,Palla
Colony, Thandarai,
Tiruvannammalai Dist.
2. Rajkumar
S/o Poongavanam,
No.319,Kanchipuram Road street,
Puliyambakkam Village,
Tiruvannamalai District.

..Petitioner(s)

Vs

State represented by, The Sub-Inspector of Police,
Cheyyar Police Station,
Crime No.74 Of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to grant anticipatory bail to the petitioner in the event of the arrest of petitioner by police for the reasons stated in the petition, in connection with the case in Crime No.74 of 2026 on the file of the respondent police and pass such further or other orders as may be deemed fit and proper by this Honble Court in these circumstances of this case and thus render justice.

For Petitioner(s): Mr.A.Anbharasu

For Respondent(s): MR.P.DHILEEPAN,
GOVT.ADVOCATE (CRL SIDE)



ORDER

The petitioners, who apprehends arrest for the alleged offence **under Sections 303(2), 326(a) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 and Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.74 of 2026**, on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioners is that the petitioners were involved in the illegal transportation of three units of gravel sand. The first petitioner is stated to be the owner of the lorry and the second petitioner is the owner of the backhoe loader. When the police approached the scene of occurrence, the petitioners fled. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and 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 2nd petitioner has one previous case of a similar nature whereas first petitioner has no previous cases. 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. On considering the factual position, the 2nd petitioner has one previous case, which clearly demonstrate that he has misused the liberty granted by this Court. Therefore, he does not deserve the grant of anticipatory bail. Accordingly, this petition is dismissed insofar as the 2nd petitioner is concerned.

7. Though, this Court views the offence of theft of natural resources and its exploitation as serious offence, taking into consideration of the fact that 1st 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.

8. Accordingly, the 1st 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, Cheyyar, on condition that the petitioner shall execute a 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 first 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 first petitioner is directed to make a non-refundable deposit of Rs.1,20,000/- [Rupees One Lakh Twenty 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 and the receipt shall be produced at the time of executing the bond;**

(d) **The first 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.

15-04-2026

DRL

To

1.The Judicial Magistrate,
Cheyyar.

2.The Sub-Inspector of Police,
Cheyyar Police Station,
Crime No.74 Of 2026.

3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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