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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9403 of 2026

1. V.Murthy
2. Mariappan

..Petitioner(s)

Vs

State, rep. by, The Sub Inspector of Police,
OTTERI Police Station,
Tambaram District.
(Crime No.53 of 2026)

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 482 of BNSS, pleaded to enlarge the Petitioner on bail in the event of his arrest in connection with in Crime No 53 of 2026 on the file of respondent Police and thus render justice.

For Petitioner(s):	M/s.V.Manimaran
For Respondent(s):	Mr.P.Dhileepan Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS r/w Section 21 (1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.53 of 2026, seek anticipatory bail.

2.The case of the prosecution is that, the petitioners had illegally transported 3 units of ordinary stones in lorry. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and had 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 ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that there is no previous cases pending against 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 him 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 II, Chengalpattu** on condition that the **petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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;

(c) **The petitioners are directed to make a non-refundable deposit of Rs.65,000/- [Rupees Sixty Five 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.

16-04-2026

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To

1.The Judicial Magistrate II, Chengalpattu.

2.The Sub Inspector of Police,
OTTERI Police Station,
Tambaram District.

3.The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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