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CRL OP No.9744 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.9744 of 2026

J.Aruputhavijaya,
W/o.Jayakumar,
No.18, Checkpost Street,
Rajiv Gandhi Nagar,
Pammal,
Chennai – 600 075.

...Petitioner/1st Accused

Vs

State by
The Sub Inspector of Police,
T-4, Shankar Nagar Police Station,
Pammal,
Chennai - 600 075.

...Respondent/
Complainant

Prayer : Criminal Original Petition filed under Section 482 of BNSS, to grant anticipatory bail to the petitioner in the event of arrest by the respondent police pending investigation in Crime No.108 of 2026 on the file of the Sub Inspector of police, T-4 Shankar Nagar Police Station, Pammal, Chennai - 600 075.

For Petitioner : Mr.S.Yesudossan

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



ORDER

The petitioner/A1, who apprehends arrest for the alleged offence under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023, in Crime No.108 of 2026, on the file of the respondent police, seeks anticipatory bail.

2. The allegation against the petitioner/A1 is that the petitioner was involved in illegal transportation of 2 units of gravel sand in a Tipper Lorry bearing No.TN57 AE9419. Hence, the case.

3. The learned counsel for the petitioner/A1 submitted that the petitioner was innocent and that she had been falsely implicated in this case. He also submitted that the petitioner/A1 is the owner of the vehicle and the charge against the petitioner is that she has illegally transported two units of gravel sand in a Tipper Lorry; and that the co-accused/A2 has been released on bail in CrI.M.P.No.1048 of 2026 dated 08.04.2026 before the learned Principal District and Sessions Judge, Chengalpattu, and already paid Rs.15,000/- (Rupees Fifteen Thousand Only) as a non refundable deposit in favour of “The Chariman/District Collector, *The District Mineral Foundation Trust of Chengalpattu District*, before the learned District Munsif cum Judicial Magistrate, Pallavaram. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and the



petitioner is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

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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 petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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 (Crl.Side) the petitioner does not have any previous cases. Though this Court views the offence of theft of natural resources and its exploitation as a serious offence, taking into consideration of the fact that she has no previous case and upon the fond hope that she would mend herself in the future and would not come under the adverse notice of the respondent, this Court is inclined to enlarge her on anticipatory bail, subject to certain conditions.

7. Though this Court is inclined to impose a cost of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only), since the co-accused/A2 has



already paid Rs.15,000/- (Rupees Fifteen Thousand Only), this Court directed the petitioner/A1 to pay a Non Refundable Deposit of Rs.1,05,000/- (Rupees One Lakh Five Thousand Only) in favour of the Chairman/District Collector, the District Mineral Foundation Trust of Chennai District.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned District Munsif Cum Judicial Magistrate, Pallavaram**, 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/accused is directed to produce a demand draft for a sum of Rs.1,05,000/- (Rupees One Lakh**



Five Thousand Only) in favour of the ‘*The Chairman/District Collector, The District Mineral Foundation Trust of Chennai District*’, (Non refundable) before the learned Judicial Magistrate, Pallavaram;

(d) On production of the above Demand Draft, the learned Magistrate is directed to take necessary steps to hand over the same to the District Collector. Upon receipt of the said amount, the District Collector shall realise and utilise the same strictly in accordance with law and in terms of G.O.Ms.No.84, Natural Resources (MMD.1) Department, dated 16.12.2025;

(e) The 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;

(f) 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]*;

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

20-04-2026

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To

1. The District Munsif Cum Judicial Magistrate,
Pallavaram.
2. The Sub Inspector of Police,
T-4, Shankar Nagar Police Station,
Pammal,
Chennai - 600 075.
3. The Public Prosecutor,
High Court of Madras.
4. The Chairman/District Collector,
The District Mineral Foundation Trust of
Chennai District.



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C.KUMARAPPAN, J.

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