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CRL OP No.9842 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.9842 of 2026

1.Barath

S/o.Ramesh,
No.424, Anna Street Kalmadugu,
Melmutkur Gudiyatham,
Gudiyatham Taluk,
Vellore District.

2.Sundhar

S/o.Sakkarapani,
No.856-2, Rasappan Patti,
Melpatti Road Mel Muttukur,
Guduyatham Taluka,
Vellore District.

...Petitioners/Accused

Vs

The State rep by,
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
(Crime No.58 of 2026)

...Respondent/
Complainant

Prayer : Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest in crime No.58 of 2026 on the file of the respondent.

For Petitioners:

Mr.C.Deepak Kumar

For Respondent:

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



ORDER

The petitioners/A1 and A2, who apprehend arrest for the alleged offences under Sections 303(2) and 326 of the Bharatiya Nyaya Sanhita (BNS) Act, 2023, in Crime No.58 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 3 units of red soil in a tipper lorry without any valid permit or licence. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners were innocent and they have not committed any such offence as alleged by the *de-facto* complainant and 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 the petitioners 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 the first petitioner has no previous case and the second petitioner has two previous cases of similar nature. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

6. The allegation against the petitioners is that the petitioners have transported three units of red soil in a tipper lorry. The learned Government Advocate (Crl.Side) would submit that the first petitioner has got no previous cases and the second petitioner has got two previous cases of a similar nature. Hence, the second petitioner/A2 does not deserve anticipatory bail as he has misused the liberty granted by this Court. Therefore, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this petition is dismissed in so far as the second petitioner is concerned.

7. From the submission made by the learned Government Advocate (Crl.Side), it is seen that the first petitioner does not have any previous cases. This Court views the offence of theft of natural resources and its exploitation as a serious offence. However, taking into consideration of the fact that the first



petitioner has no previous case 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 the first petitioner on anticipatory bail, subject to certain conditions.

8. Since as against the second petitioner/A2, this Criminal Original Petition is dismissed, the first petitioner/A1 is directed to pay a sum of Rs.65,000/- (Rupees Sixty-Five Thousand Only) as a non-refundable deposit in favour of “The Chairman/District Collector, *The District Mineral Foundation Trust of Vellore District*.

9. Accordingly, **the first 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, Gudiyatham**, on condition that the **first 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/accused is directed to produce a demand draft for a sum of Rs.65,000/- (Rupees Sixty Five Thousand only) in favour of 'The Chairman/District Collector, The District Mineral Foundation Trust of Vellore District', (Non refundable) before the learned Judicial Magistrate, Gudiyatham;**

(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 first petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter as and when required for the interrogation;**

(f) **On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the first petitioner in accordance with law as if the conditions have been imposed and the first 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 first petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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10. In the result, this Criminal Original Petition is allowed insofar as the first petitioner is concerned and dismissed insofar as the second petitioner is concerned.

20-04-2026

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To

1. The Judicial Magistrate,
Gudiyatham.
2. The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
3. The Public Prosecutor,
High Court of Madras.
4. The Chairman/District Collector,
The District Mineral Foundation Trust of
Vellore District.



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C.KUMARAPPAN, J.

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