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CRL OP No. 13087 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13087 of 2026

1. Koteswaran
S/o. Radakrishnan
No.65, Gangaiyamman Kovil Street, Neyveli,
Thiruvallur District.
2. Ruban @ Udhayakumar
No.81, Annai Sathya Nagar, Neyveli, Thiruvallur
District.

..Petitioner(s)

Vs

The State represented by Inspector of Police
Pennalurpet Police Station
Thiruvallur District.
Cr. No. 211 of 2025.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners on Anticipatory bail in the event of their arrest in Crime No.211 of 2025 On the file of the Inspector of Police, Pennalurpet police station, Thiruvallur District

For Petitioner(s): Mr.Thamaraiselvan R

For Respondent(s): Mr.N.Palanivel
Government Advocate (Crl.Side)



ORDER

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The petitioners/A1 and A2 apprehend arrest for the alleged offence under Sections 303(2), 326(a) of BNS r/w 21(1) of MMDR Act in Crime No.211 of 2025 on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioners were involved in illegal transportation of ½ unit of river sand from the Kosasthaliyar River in a Bolero vehicle without any valid licence. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners have transported only half unit of river sand. It was submitted that though the river sand was taken illegally, it was not for any commercial purpose and was intended solely for personal use. He further submitted that the petitioners 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.

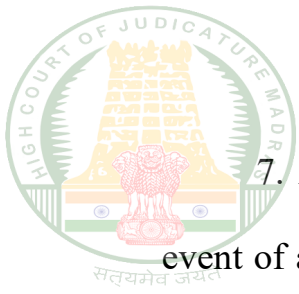
4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions,



submitted that there is no previous cases has been registered against the first petitioner but, in respect of the second petitioner, he is having three previous cases and the said offences are not similar in nature. He further submitted the petitioners' earlier anticipatory bail petitions were dismissed by this Court vide orders dated 12.01.2026 and 04.03.2026 in Crl.OP.Nos.486 and 5471 of 2026 respectively. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. From the submission made by the learned Government Advocate (Crl.Side) the first petitioner does not have any previous cases and the second petitioner is having three previous cases. Though, this Court views the offence of theft of natural resources and its exploitation as serious offence, taking into consideration of the fact that the first petitioner has no previous case and the second petitioner is having three previous cases and the aforesaid offences are not similar in nature, and upon the fond hope that they would mend themselves 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



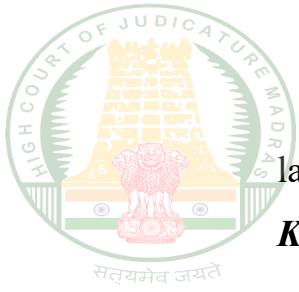
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Uthukottai** on condition that **each of the petitioners shall execute separate bonds 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 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 shall report before the respondent police daily at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation;

(d) 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]***;

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

05-06-2026

Vv

To

1. The Judicial Magistrate Court, Uthukottai.
2. The Inspector of Police
Pennalurpet Police Station
Thiruvallur District.
3. The Public Prosecutor, High Court of Madras.



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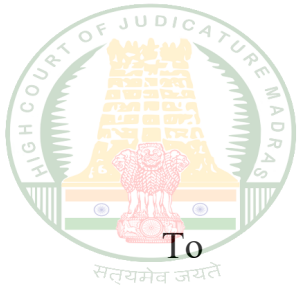


C.KUMARAPPAN, J.

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