



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13914 of 2026

1. Sivaganesh
2. Mathiyalagan
3. Manikandan

..Petitioner(s)

Vs

State Rep by, The Inspector of police
Gudimangalam Police Station,
Tiruppur District,
(In Crime no.136 of 2026)

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 482 of BNSS, pleaded to enlarge the petitioners on bail in the event of their arrest or surrender in crime No.136 of 2026 pending investigation on the file of the respondent police.

For Petitioner(s):

Mr.R Babu

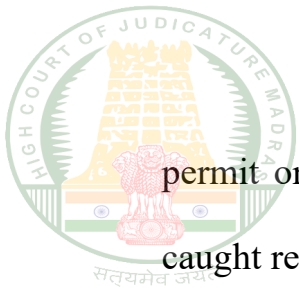
For Respondent(s):

Ms.R.S.Indira, Government Advocate
(Criminal Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections **303(2), 62 of BNS and Section 21(1) of Mines & Minerals Act, 1957** in **Crime No.136 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 river sand without any valid



permit or licence by using a Tractor and a JCB and that the petitioners were caught red handed by the respondent police. Hence, the case.

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3. The learned counsel for the petitioners submitted that the petitioners were innocent and that had been falsely implicated in this case. He further submitted that 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 (Criminal Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that no previous cases have been registered against the first and second petitioners, whereas three previous cases have been registered against the third petitioner. Hence, 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. According to the submission made by the learned Government Advocate (Criminal Side) the first and second petitioners do 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 they have no previous cases, 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 the first and second petitioners on anticipatory bail, subject to certain conditions. However, as the third petitioner has three previous cases, this Court is not inclined to grant anticipatory bail to him. **Consequently, this Criminal Original Petition is dismissed as against the third petitioner.**

7. Accordingly, the first and second 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, Udumalpet, Tiruppur District**, on condition that the **first and second 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 first and second petitioners fail 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



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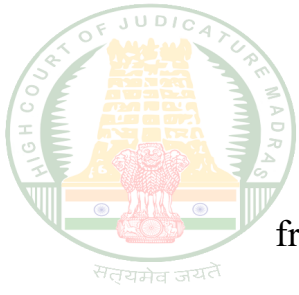
No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) **The first and second petitioners/accused are directed to produce a demand draft for a sum of Rs.65,000/- each (Rupees Sixty Five Thousand only) each in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Tiruppur District', (Non refundable) before the learned Judicial Magistrate II, Udumalpet, Tiruppur District;**

(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 and second petitioners shall report before the respondent police daily at 10.30 am for a period of four weeks;**

(f) **On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the first and second petitioners in accordance with law as if the conditions have been imposed and the first and second 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];**



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

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To

1.The Judicial Magistrate II
Udumalpet, Tiruppur District.

2.The Inspector of police
Gudimangalam Police Station,
Tiruppur District,

3.The Public Prosecutor
High Court of Madras.

4. The Chairman/District Collector,
The District Mineral Foundation Trust of Tiruppur District.



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C.KUMARAPPAN, J.

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