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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.14400 of 2026

Murugan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Deevattipatty Police Station,
Salem District.
(Crime No.259 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of arrest pending investigation in Crime No.259 of 2026 on the file of the respondent police.

For Petitioner : Mr.P.Praveen

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

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Section 21(1) of M.M Act r/w Section 303(2) of Bharatiya Nyaya Sanhita**



(BNS) Act, 2023 in Crime No.259 of 2026, on the file of the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner was found to be in illegal transportation of 3 units of gravel sand in a Tipper lorry bearing Regn.No.TN-41-AW-2387. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any such offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submitted that there is no previous bad antecedents against this petitioner and is 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 petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and fairly submitted that no previous case has been registered against the petitioner.



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

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6. From the submission made by the learned Government Advocate (Crl.Side) the petitioner do not have any previous case. Though, this Court views the offence of theft of natural resources and its exploitation as serious offence, taking into consideration of the fact that he 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 him on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before **the Judicial Magistrate, Omalur,, Salem District**, 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 Magistrate within a period of fifteen (15) days from



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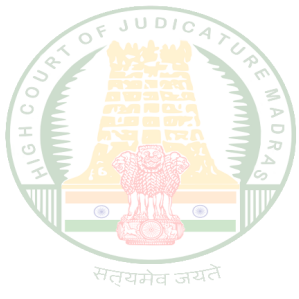
the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 is directed to produce a demand draft for a sum of deposit Rs.70,000/- (Rupees Seventy Thousand only) in favour of the '*The Chairman/District Collector, The District Mineral Foundation Trust of Salem District*', (Non refundable) before the learned Judicial Magistrate, Omalur, Salem; 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;**

(d) **The petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;**

(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



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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.

08.06.2026

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To:

- 1.The Judicial Magistrate, Omalur, Salem District.
- 2.The Inspector of Police, Deevattipatty Police Station, Salem District.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN,J.,

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