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CRL OP No. 14590 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14590 of 2026

1. Nagasamy
2. Balachandhar

..Petitioners

Vs

The State Rep. by
The Inspector of Police,
Pennalurpettai Police Station,
Thiruvallur District.
Crime No.74/2026

..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 his arrest in connection with Crime.No.74 of 2026 on the file of the respondent.

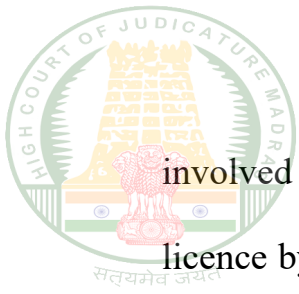
For Petitioners: Mr.S.Deivasigamani

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

ORDER

The petitioners, who apprehend arrest for the alleged offence under section 318(4) of BNS Act r/w 21(1) of Mines and Minerals Act in Crime No.74 of 2026, on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioners is that the petitioners were



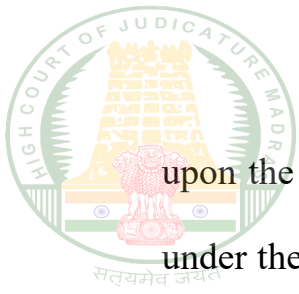
involved in illegal transportation of 13 units of sand without any valid permit or licence by using tipper lorry and that the petitioners were caught red handed by the respondent police. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners were innocent and that they have been falsely implicated in this case. He further submitted that they 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 no previous cases have been registered against the petitioners. However, 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. 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 serious offence, taking into consideration of the fact that he has no previous case, and



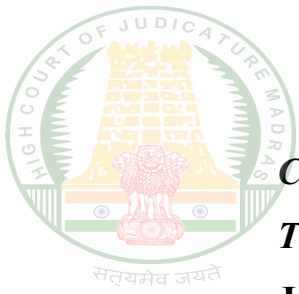
upon the fond hope that he would mend himself in future and would not come under the adverse notice of the respondent, this Court is inclined to enlarge him on anticipatory bail, subject to certain conditions.

7. Accordingly, the 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 District Munsif Cum Judicial Magistrate Court, Uthukkottai, Thiruvallur District**, on condition that the **petitioners shall execute a separate 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 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/accused are directed to produce a demand draft for a sum of Rs.1,80,000/- (Rupees One lakh Eighty Thousand only), each Rs.90,000/- (Rupees Ninety Thousand only) in favour of the 'The Chairman/District**



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Collector, The District Mineral Foundation Trust of Thiruvallur District', (Non refundable) before the learned Judicial Magistrate, Thiruvallur 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;

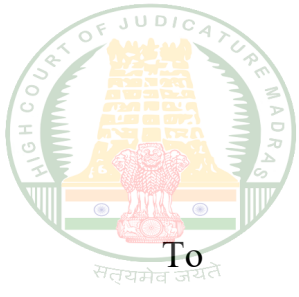
(e) The petitioners shall report before the respondent police daily at 10.30 am for a period of four weeks;

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the 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]*;

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

SHL/NSL

10-06-2026



To

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1. The District Munsif Cum Judicial Magistrate Court,
Uthukkottai, Thiruvallur District,
2. The Inspector of Police,
Pennalurpettai Police Station,
Thiruvallur District.
3. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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