



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14669 of 2026

Palaniswamy E,
S/o. Ellappan,
No 6/4A, Sathya Nagar,
Kaveripuram,
Mettur Taluk,
Salem District.

..Petitioner(s)

Vs

State Rep by its
The Inspector of Police
Kolathur Police Station,
Salem District.
Crime No.154 of 2026

..Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest in Crime No.154 of 2026 on the file of the Respondent.

For Petitioner(s): Mr.C. Deepakkumar

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

Order

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 303(2) of BNS and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.154 of 2026, seeks anticipatory bail.



2. The case of the prosecution is that based on secret information, the respondent police went to the scene of occurrence and found that the petitioner along with other accused had illegally quarried one unit of red soil with the help of JCB and Tractor. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that no previous case has been registered against the petitioner. However, 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 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 petitioner is ordered to be released on 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 is made ready, before the **learned Judicial Magistrate – I, Mettur**, 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 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 petitioner is directed to produce a demand draft for a sum of Rs.50,000/- (Rupees Fifty thousand only) in favour of the 'The Chairman/District Collector, The District**



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Mineral Foundation Trust of Salem District', (Non refundable) before the learned Judicial Magistrate-I, Mettur;

(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 petitioner shall report before the respondent police daily at 10.30 am for a period of four weeks and there after as and when required for interrogation;

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

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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- 1.The Inspector of Police,
Kolathur Police Station,
Salem District.
- 2.The Judicial Magistrate – I,
Mettur.
- 3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN J.

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