



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14896 of 2026

1. Rajasekar
2. Pradeep @ Prathap
3. Ravi @ MRK
4. Guna @ Gunaseelan

..Petitioners

Vs

The State Rep by
Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
[Crime No.169 of 2026]

..Respondent

RAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in event of their arrest in Crime No.169 of 2026 on the file of respondent police pending investigation.

For Petitioners:

Mr.R. Sathiamoorthy

For Respondent:

Mr.N.Palanivel

Government Advocate (Crl.side)

ORDER

The petitioners apprehend arrest for the alleged offence under Section 303(2) of BNS, 2023 (Section 379 in IPC) r/w Section 21(1) Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.169 of 2026 on the file of the respondent police seek anticipatory bail.



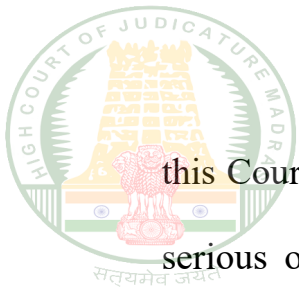
2. The case of the prosecution is that on 04.06.2026, at about 02:00 a.m., the petitioners, along with the other accused, illegally excavated sand and transported it using two JCBs and three tractors for the purpose of making brick canal. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any condition that may be imposed by this Court and 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 petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent.

6. From the submission made by the learned Government Advocate (Criminal Side) it is seen that the petitioners had no bad antecedents. Though,



this Court views the offence of theft of natural resources and its exploitation as serious offence, taking into consideration of the fact that petitioners had 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 them 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 Munsiff cum Judicial Magistrate, Kilvelur** 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;



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(c) *The petitioners/accused are directed to produce a demand draft for a sum of Rs.1,05,000/- (Rupees One Lakh Five Thousand only), each Rs.26,250/- (Rupees Twenty Six Thousand Two Hundred and Fifty Only) in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Nagapattinam District', (Non refundable) before the learned District Munsiff cum Judicial Magistrate, Kilvelur, Nagapattinam 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 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

VEDA

To

1.District Munsiff cum Judicial Magistrate, Kilvelur.

2.Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

3.The Public Prosecutor,
Madras High Court.

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



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C.KUMARAPPAN, J.

VEDA

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