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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.31401 of 2026

CNR: {HCMA012505882026}

Krishnan

..Petitioner

Vs

The State Rep. by, The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
Crime No.397 of 2026.

..Respondent

PRAYER: To direct the Respondent Police to release the Petitioner on bail in the event of his arrest in Cr.No.397 of 2026 on the file of the Thiruvalur Police Station, Kallakurichi District and pass such further or other orders as this Court.

For Petitioner : Mr.Prakasam Jaganathan

For Respondent : Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu (Crl.side)

ORDER

The petitioner apprehends arrest for the alleged offences under Sections **303(2) of BNS r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act,** in Crime No.397 of 2026 the file of the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner had illegally transported one unit of red sand. Hence, the present petition for anticipatory bail.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner. The learned counsel for the petitioner voluntarily submitted that he undertakes to pay a sum of Rs.10,000/- as non-refundable deposit to any of the welfare scheme without prejudice to his defence.

4. Per contra, the learned Counsel for Government of Tamil Nadu (Crl.side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioner had illegally transported one unit of red sand. Hence he opposed to grant anticipatory bail to the petitioner.

5. I have given my anxious consideration to either side submissions.

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6. From the submission made by the learned Counsel for Government of Tamil Nadu (Crl.Side) and the learned counsel for the petitioner, though, this Court views the offence of theft of natural resources and its exploitation as serious offence, and upon the fond hope that he would mend themselves 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 Court No.II, Thirunavalur** on condition that **each of the petitioner shall execute a 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 petitioner 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 slip (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 petitioner/accused is directed to produce a demand draft for a sum of Rs.10,000/- (Rupees Ten Thousand only), in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Tiruvallur District', (Non refundable) before the learned Judicial Magistrate Uthukottai**

(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 two 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 are 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***

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Kerala [(2005) AIR SCW 5560];

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

30.10.2026

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1. The Judicial Magistrate Court No.II, Thirunavalur.

2. The Inspector of Police
Thirunavalur Police Station,
Kallakurichi District.

3. The Public Prosecutor,
Madras High Court.

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N.RAMESH, J.

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