WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31782 of 2026

CNR: {HCMA012506102026}

Case QR

A.Prasanth
S/o Arumugam,
No.1108, Nayambadi Road,
Viswanathapuram,
Alathur,
Thiruvannamalai District.

..Petitioner(s)

Vs

State Rep.by The Inspector of Police
Kalasapakkam Police Station,
Thiruvannamalai District.
Crime No.315 of 2025

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioners on bail in the event of his arrest in Crime No.315 of 2025 pending investigation on the file the respondent police and pass such other orders deems fit and proper for the circumstances of the case and thus render justice.

For Petitioner(s): A Sathishkumar

For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 326, 303(2) of BNS Act 2023 and 21(5) of MMDR Act in Crime No. 315 of 2025 the file of the respondent police seeks anticipatory bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The allegation against the petitioner is that he illegally transported 1 ½ units of river sand using a mini lorry without obtaining valid permission from the competent authorities. Hence, the present petition has been filed seeking anticipatory bail.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and 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, and hence prayed for the grant of anticipatory bail. The learned counsel for the petitioner also voluntarily submitted that the petitioner undertakes to deposit a sum of Rs. 45,000/- as a non-refundable deposit towards any welfare scheme, without prejudice to his defence.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent Police vehemently opposed the grant of anticipatory bail to the petitioner. Upon instructions, he reiterated the prosecution's case and submitted that the petitioner had illegally transported 1 ½ units of river sand using a mini lorry, though he noted that the petitioner has no prior adverse antecedents.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

6. It is observed that the petitioner's first anticipatory bail petition was dismissed on 02.04.2026, and his second anticipatory bail petition was dismissed on 04.06.2026. Despite the dismissal of two previous petitions, the respondent Police have been unable to apprehend the petitioner. While this Court views the offence of theft and exploitation of natural resources with utmost seriousness, considering the submissions made by the learned counsel for the petitioner and acting on the fond hope that the petitioner will reform himself and refrain from coming under the adverse notice of the police in the future, 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 District Munsif Cum Judicial Magistrate, Kalasapakkam,** 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:

https://www.mhc.tn.gov.in/judis

WEB COPY

(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 slip (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(c) **The petitioner is directed to produce a demand draft for a sum of Rs.45,000/- (Rupees Forty Five Thousand only), in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Tiruvannamalai District', (Non refundable) before the learned District Munsif Cum Judicial Magistrate, Kalasapakkam;**

(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;

https://www.mhc.tn.gov.in/judis

WEB COPY

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 Kerala [(2005) AIR SCW 5560];***

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

03-11-2026

MPA

To

1. The District Munsif Cum Judicial Magistrate, Kalasapakkam.

2. The Inspector of Police
Kalasapakkam Police Station,
Thiruvannamalai District.
Crime No.315 of 2025

3. The Public Prosecutor, High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.RAMESH, J.

MPA

CRL OP No. 31782 of 2026

03-11-2026

https://www.mhc.tn.gov.in/judis