Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30391 of 2026

CNR: {HCMA012521642026}

1. Kaliyaperumal
   S/o Sakthivel,
   Sanimoola Street, Thuthipattu, Gingee Taluk,
   Vilupuram District
2. Kamalakannan
   S/o.Ganesan
   No. 72/1, Vinayagar Koil Street,
   Valayampattu,Thiruvennainallur Taluk,
   Vilupuram District

3. Sasikala
   D/o Venkatesan,
   No.154/, Kulakarai Street,
   Olgalampoondi,Vilupuram District
   No.154/, Kulakarai
   Street,Olgalampoondi,Vilupuram District

..Petitioner(s)

Vs

State rep by Station House Officer,
Villupuram Taluk Police Station, Villupuram,
Villupuram District.
Crime No. 438/2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS praying to enlarge the petitioners on bail in the event of arrest by the respondent police in Crime No. 438/2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Mr. K. Vijayaragavan
For Respondent(s): Mr. R. Rajasekaran,
Government Advocate (Crl. Side)

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The petitioners apprehend arrest for the alleged offences under Sections **303(2) of BNS Act, 2023, 21(1) of Mines and Minerals (Development and Regulation)Act, 1957** in Crime No. 438 of 2026 the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioners is that the petitioners had illegally transported 10 units of gravel sand in a lorry without obtaining permission from the competent authorities. Hence, the present petition for anticipatory bail.

3. The learned counsel for the petitioners submitted that the petitioners is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners. The learned counsel for the petitioners voluntarily submitted that he undertakes to pay a sum of Rs.50,000/- jointly as non-refundable deposit to any of the welfare scheme without prejudice to his defence.

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4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioners had illegally transported 10 units of gravel sand in a lorry. Hence he opposed to grant anticipatory bail to the petitioners.

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

6. From the submission made by the learned Government Advocate (Crl.Side) and the learned counsel for the petitioners, 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 petitioners are 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 No.I, Villupuram** on condition that **each of the petitioners 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:

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(a) If the petitioners 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 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.50,000 Rupees Fifty Thousand only), in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Villupuram District', (Non refundable) before the learned Judicial Magistrate No.I, Villupuram**

(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;

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(e) The petitioners 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 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

27-10-2026

SMA

To

1. Judicial Magistrate No.I, Villupuram.

2. Station House Officer,
Villupuram Taluk Police Station, Villupuram, Villupuram District.

3. The Public Prosecutor,
Madras High Court.

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N.RAMESH, J.

SMA

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