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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30836 of 2026

CNR: {HCMA012560872026}

Rajiv Gandhi

..Petitioner(s)

Vs

The State rep by Inspector Of Police
Virinchipuram Police Station,
Vellore District.
Crime no.174 of 2026. ..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of arrest pending investigation in Crime no.174 of 2026 on the file of the Respondent and pass such other order or orders.

For Petitioner(s): Mr.A.Nirmal Kumar Sharma

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

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 303(2) and 326(a) of BNS in Crime No.**174 of 2026** on the file of the respondent police seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner had illegally transported eight units of river sand by using lorry without any valid permit.

3. The learned counsel for the petitioner submitted that the petitioner is innocent 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.1,30,000/- as non-refundable deposit to any of the welfare scheme without prejudice to his defence.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioner had illegally transported eight units of river sand by using lorry. He further submitted that two previous cases similar in nature are pending against the petitioner. 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 Government Advocate (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 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 No.IV, Vellore** 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 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;

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(c) **The petitioner is directed to produce a demand draft for a sum of Rs.1,30,000/- (Rupees One Lakh and Thirty Thousand only), in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Vellore District', (Non refundable) before the learned Judicial Magistrate No.IV, Vellore;**

(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 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];***

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(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
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To

1. The Judicial Magistrate No.IV
   Vellore,

2.The Inspector of Police
  Virinchipuram Police Station,
  Vellore District.

3.The Public Prosecutor,
  High Court, Chennai.

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N.RAMESH, J.

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