Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30818 of 2026

CNR: {HCMA012561652026}

1. M.Kanaga
2. M.Gopi

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Konganapuram Police Station, Salem District.
Crime No.358 of 2026.

..Respondent(s)

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the Petitioners on bail in the event of their arrest by the respondent police in Crime No. 358 of 2026 pending investigation on the file of Inspector of Police, Konganapuram Police Station, Salem and thus render justice.

For Petitioner(s): M/s.Madhubala

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

ORDER

The petitioners apprehend arrest for the alleged offences under Sections 303(2) of BNS Act, 2023 r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.358 of 2026 the file of the respondent police seeks anticipatory bail.

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2. The prosecution's case is that the petitioners have illegally transported the 4 units of normal stone in his Lorry bearing registration No.TN 88 L 1324. Hence, this case.

3. The learned counsel for the petitioners submitted that the petitioners have a valid transit permit for their transportation, moreover, they are not in a scene of occurrence. He further submitted that they are innocent and they have been falsely implicated in this case. He further submitted that the petitioners have 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 they undertakes to pay a sum of Rs.50,000/- as non-refundable deposit to any of the welfare scheme without prejudice to his defense.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the grant of anticipatory bail to the petitioners. He submitted that the petitioners were caught red-handed while illegally transporting a total of 4 units of normal stones without any valid transit passes or legal documents. However, on instructions, he confirmed that the vehicle and the seized pebble stones have already been secured by the

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respondent police. He further submitted that if this Court is inclined to grant the relief, the petitioners may be directed to deposit the proposed non-refundable amount to the credit of the concerned District Mineral Foundation Trust.

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

6. From the submission made by the learned Government Advocate (Criminal 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 himself in future and would not come under the adverse notice of the respondent and also considering the fact that the petitioners have no criminal antecedents, 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 their 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, Edappadi,** on condition that **the petitioners shall execute separate a bond for a sum of Rs.20,000/- in each (Rupees Twenty Thousand only),** with **two sureties,** for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners fail to surrender before the concerned

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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 petitioners 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 Salem District', (non refundable) before the learned District Munsif cum Judicial Magistrate, Edappadi;**

(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 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

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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.

23-10-2026

GBI

To

1.The District Munsif cum Judicial Magistrate, Edappadi.

2.The State Rep By, The Inspector of Police
Konganapuram Police Station, Salem District.

3.The Public Prosecutor,
High Court of Madras.

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N.RAMESH, J.

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