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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30850 of 2026

CNR: {HCMA012562502026}

S.Prakash

..Petitioner(s)

Vs

The State rep.by
The Inspector of Police,
C-5, Vengal police station,
Thiruvallur district.
Cr.No.305/2026.

..Respondent(s)

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Cr.No.305 of 2026 on the file of the respondent.

For Petitioner(s): Mr. S DEIVASIGAMANI

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS Act 2023 and section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.305 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 10 units of river sand by using a Lorry bearing Registration No.AP-39-UE-7005. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready and willing to abide by any condition that may be imposed by this Court and hence, prayed to grant anticipatory bail to the petitioner.

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 10 units of river sand. He further submitted that there is every likelihood of the petitioner absconding and indulging in similar offences in future. Hence he opposed to grant anticipatory bail to the petitioner.

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

6. From the submission made by the learned Government Advocate

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(Crl.Side) and the learned counsel for the petitioner, though, this Court views the offence of theft and exploitation of natural resources as a serious offence, and upon the found hope that the petitioner would mend his ways in future and would not come to the adverse notice of the respondent, this Court is inclined to enlarge them 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 days from the date on which the order copy made ready, before the **District Judicial Magistrate Court No.1, Thiruvallur, Thiruvallur District,** 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 condition that:

(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 ship (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 petitioner is directed to produce a Demand Draft for a sum of Rs.1,50,000/- (Rupees One Lakh Fifty**

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Thousand only), in favour of 'The Chairman/District Collector, The District Mineral Foundation Trust of Thiruvallur District, (Non refundable) before the District Judicial Magistrate Court No.1, Thiruvallur, Thiruvallur District;

(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 realize and utilize 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 A.M., for a period of two weeks and thereafter 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 was 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 absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

1.The District Judicial Magistrate Court No.1, Thiruvallur, Thiruvallur District.

2.The Inspector of Police,
C-5, Vengal police station,
Thiruvallur district.

3. The Public Prosecutor
High Court of Madras.

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N.RAMESH, J.

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