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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. 30886 of 2026

CNR: {HCMA012563362026}

Siva

..Petitioner(s)

Vs

State Represented By,
The Inspector of Police
Sadras Police Station,
Chengalpet District,
Crime No. 263 of 2026

..Respondent(s)

PRAYER :

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No. 263 of 2026 pending investigation on the file of the respondent police and thereby render justice.

For Petitioner(s): Mr.A.Vinoth Kumar

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

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ORDER

The petitioner apprehends arrest for the alleged offences under Sections 326(a) and 303(2) of BNS in Crime No.**263 of 2026** on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported one unit of river sand by using JCB and Tractor 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.35,000/- 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 one unit of river sand by using JCB and Tractor. Hence he opposed to grant anticipatory bail to the petitioner.

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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 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 District Munsif cum Judicial Magistrate, Thirukazhukundram, Chengalpat 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 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;

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(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.35,000/- (Rupees Thirty Five Thousand only), in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Chengalpatu District', (Non refundable) before the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, Chengalpat 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 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

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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 absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MFA

To

1.The District Munsif cum Judicial Magistrate,
Thirukazhukundram, Chengalpet District.

2.The Inspector of Police
Sadras Police Station,
Chengalpet District.

3.The Public Prosecutor,
High Court, Chennai.

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N.RAMESH, J.

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