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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. 30984 of 2026

CNR:{HCMA012566162026}

Elumalai
S/o Duraikannu

..Petitioner(s)

Vs

State Rep by
The Inspector of Police,
Kavarapettai Police Station,
Thiruvallur District.
Crime No.286 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/accused in the event of his arrest in Crime No.286 of 2026 pending investigation before the respondents.

For Petitioner(s): Mr. M. Vetrivel

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

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 303(2), 326(a) of BNS r/w 21(1) of M&M (D&R)Act in Crime No. 286 of 2026 on the file of the respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that he had illegally transported 8 units of savud sand by using a lorry bearing Reg No.TN 18 BY 8923 without obtaining permission from the competent authorities. Hence, the present petition for anticipatory bail.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted against the petitioner and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that no previous case has been registered against the petitioner. However, 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 (Crl.Side) it is seen that the petitioner has no bad antecedents. Though, this

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Court views the offence of theft of natural resources and its exploitation as serious offence, and upon the fond hope that the petitioner 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, Gumidipoondi.** 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 identify proofs to ensure their identity;

(c) **The petitioner/accused is directed to produce a demand draft for a sum of Rs.1,30,000/- (Rupees One lakh**

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Thirty thousand only) in favour of the '*The Chairman/District Collector, The District Mineral Foundation Trust of Tiruvallur District', (Non refundable) before the learned* District Munsif Cum Judicial Magistrate, Gumidipoondi.*;*

(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 thereafter as and when required;**

(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 is 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.

23-10-2026

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N.RAMESH J.

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To:

1. The Inspector of Police
Kavarapettai Police Station,
Thiruvallur District.

2. The District Munsif Cum
Judicial Magistrate, Gumidipoondi.

3. The Public Prosecutor
High Court of Madras

CRL OP No. 30984 of 2026

23-10-2026

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