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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31939 of 2026

CNR: {HCMA012637732026}

1. Malar
2. Jeeva
3. Sathish
4. Kumar

..Petitioner(s)

Vs

The State Rep by The Inspector of Police
Alangayam Police Station,
Tirupattur District.
Crime No.218 of 2026.

..Respondent(s)

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, to enlarge the petitioners on bail in the event of their arrest in Crime.No.218/2026 pending investigation on the file of the respondent.

For Petitioner(s): Mr.E KANNADASAN
For Respondent(s): Mr. R. Rajasekaran,
Government Advocate (Crl.side)

ORDER

The petitioners, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Sections 303 (2) of BNS 2023, read with Section 21(1) of Mines and Minerals (Development and Regulation Act 1957), in Crime No.218 of 2026 on the file of the respondent Police, has

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approached this Court seeking anticipatory bail.

2. The allegation against the petitioners is that they were found in illegal possession and transportation of 2 units of *norambu* sand without a valid transit permit, using a Mahindra Tractor bearing Registration No. TN 83 E 4533 and a Sonalika Tractor bearing Registration No. TN 83 E 2423. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent, have been falsely implicated in this case and have not committed any offence as alleged by the prosecution. He also submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court and sought anticipatory bail for the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed to grant anticipatory bail to the petitioners. He further submitted that no previous cases are pending against them.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

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6. From the submission made by the learned Government Advocate (Crl.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 they would mend himself in future and would not come under the adverse notice of the respondent, this Court is inclined to enlarge them 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 Judicial Magistrate No.III, Tirupathur,** on condition that **the petitioners shall execute a separate bond for a sum of Rs.20,000/- each (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 petitioners 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 petitioners are directed to produce a demand

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draft for a sum of Rs.60,000/- each (Rupees Sixty Thousand only) in favour of the '*The Chairman/District Collector, The District Mineral Foundation Trust of Tirupattur District', (Non refundable)* before the learned Judicial Magistrate No.III, Tirupathur;

(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 petitioners shall report before the respondent police daily at 10:30 A.M., for a period of four (4) weeks and thereafter as and when required for interrogation;

(d) 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];***

(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

1.The Judicial Magistrate No.III, Tirupathur.

2.The Inspector of Police
Alangayam Police Station,
Tirupattur District.

3.The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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