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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32610 of 2026

CNR: {HCMA012675382026}

1. Jayaperya
2. Arunkumar

Case QR

..Petitioner(s)

Vs

The State rep by The Inspector of Police
T-4 Pennalurpet Police Station,
Thiruvallur District.
Crime No. 176 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Connection with Crime No. 176 of 2026 on the file of the respondent and thereby render Justice.

For Petitioner(s): S Deivasigamani
For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offences under Sections 303(2), 326(a) of BNS, 2023 r/w. 21(1) of Mines and Minerals Act**,** in Crime No.176 of 2026 on the file of the respondent police seek anticipatory bail.

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2. The case of the prosecution is that on 31.10.2026, during routine inspection, the petitioners were found transporting 13.5 units of river sand using tipper lorry without obtaining permission from the competent authorities. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are 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 he undertakes to pay a sum of Rs.1,85,000/- as non-refudnable 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 petitioners had illegally transported 13.5 units of river sand by using tipper lorry. Hence he opposed to grant anticipatory bail to the petitioners.

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

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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 themselves 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 District Munsif Cum Judicial Magistrate, Uthukkottai, Thiruvallur District,** on condition that **each of the petitioners 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 petitioners fail 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

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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/accused, are directed to produce a demand draft for a sum of Rs.1,85,000/- (Rupees One Lakh Eighty Five Thousand only) jointly, in favour of the 'The Chairman/District Collector, The District Mineral Foundation Trust of Thiruvallur District', (Non refundable) before the learned District Munsif Cum Judicial Magistrate, Uthukkottai, 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 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

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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 petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

10-11-2026

MPA

To

1. The District Munsif Cum Judicial Magistrate, Uthukkottai, Thiruvallur District.

2. The Inspector of Police
T-4 Pennalurpet Police Station,
Thiruvallur District.
Crime No. 176 of 2026.

3.The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

MPA

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