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CRL MP(MD) No.3477 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	04.03.2026
Pronounced On	:	09.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.3477 of 2026

C.Dhanabal

... Petitioner

Vs

The State Rep.By,
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Cr.No.128 of 2026)

... Respondent

PRAYER:- This petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in the event of his arrest pending investigation in Crime No.128 of 2026 on the file of the respondent police.

For Petitioners : Mr.Niranjana S.Kumar

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(3) of Bharatiya Nyaya Sanhita an 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.128 of 2026, on the file of the respondent police, seeks anticipatory bail.

2. Prosecution Case:

On 11.02.2026, the Village Assistant received secret information regarding the unlawful possession of about 100 units of river sand stored in a property belonging to the former Minister and his wife. Acting upon the said information, the officials visited the premises and found approximately 112 units of river sand stored there. Upon enquiry, it revealed that the petitioner had stored the said river sand in the premises. Consequently, the respondent police registered a case against the petitioner for the alleged offences under Section 303(2) of the Bharatiya Nyaya Sanhita and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3.The learned counsel for the petitioner would submit that the case has been registered with *mala fide* intention. It is further submitted that the



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petitioner and the former Minister had previously exposed instances of illegal quarrying in Karur District and had caught red handed certain persons while they were committing illegal mining, which was subsequently reported in newspapers and the media. Due to the said actions, a false case has been foisted against the petitioner. The learned counsel would further contend that because of unfortunate misconception, where the petitioner had stored sand which he intended to use for construction of apartment, the respondent police have falsely implicated the petitioner. It is submitted that the said sand had been lawfully purchased from the Public Works Department and stored at the site. Further, the learned counsel for the petitioner would submit, by relying upon photographs and relevant documents, that the sand had been purchased in the year 2022 and that the same is evident from the tell-tale circumstances, such as the growth of grass and bushes over the stored sand.

4. The learned Government Advocate (Criminal Side), on instructions from the officer concerned and by filing a counter, would submit that about 325 units of river sand were found to have been stored at the said premises. It is further submitted that the river sand had been stored without obtaining any valid licence or permission from the competent authority. Therefore, under the provisions of the Act, the presumption arises with regard to the illegal storage



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of sand. Hence, the respondent police have rightly registered the FIR against the petitioner for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

5.This Court considered the rival submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6.Considering the following contentions of the learned counsel for the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary and inclined to grant anticipatory bail:

6.1.Prior to the registration of the present case, the former Minister along with certain other persons had visited the place where illegal quarrying activities were allegedly being carried on by some other persons.

6.2.They had also sent a communication through e-mail to the District Officer bringing to his notice about the said illegal quarrying activities.

6.3.In this regard, they had also referred to the pending cases in W.P. (MD) No.16564 of 2025 and W.P.(MD) No.18147 of 2025 concerning illegal



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mining and they also produced relevant materials to show that they had caught certain persons red-handed while they were engaged in illegal mining and had also intercepted the lorry used for transporting the sand.

6.4.The said incident had taken place much prior to the registration of the present criminal case.

6.5.Apart from the above, they have also produced documents and photographs to show that the river sand purchased and stored at the premises had been purchased from the Government Department through valid bills and lawful documents much earlier to the occurrence, which is clear from the tell tale circumstances, namely, growing of verdant grass and bushes.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance and within a period of fifteen days from the date of receipt of a copy of this order the petitioner shall appear before the learned Judicial Magistrate Court No.I, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy



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of their Aadhaar card or bank pass book to ensure their identity.

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(b)The petitioner shall report before the respondent police daily at 10.30 am., for the period of fifteen days, thereafter as when required for interrogation.

(c)The petitioner shall not tamper with the evidence or witness either during investigation or trial.

(d)The petitioner shall not abscond either during the investigation or trial.

(e)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

(f)If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

09.03.2026

sbm



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To

1. The Inspector of Police,
Karur Town Police Station,
Karur District.
2. The Judicial Magistrate Court No.I,
Karur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN.J,

sbn

ORDER
in
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