

(2026) 02 MAD CK 1750

In the Madras High Court

Case No : Criminal Original Petition No. 3681 Of 2026

Nagaraj

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 16-02-2026

Acts Referred:

Mines And Minerals (Development And Regulation) Act, 1957 — Section 21(1)
Bharatiya Nyaya Sanhita, 2023 — Section 269, 303(2)

Citation : (2026) 02 MAD CK 1750

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : P.Kalimuthu, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 20.12.2025 for the alleged offence under Section 21(1) of Mines and Minerals Act and 303(2) of BNS, in Crime No.671 of 2025 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused illegally excavated gravel sand from three places, one place belongs to a private person and the other two places belongs to the Forest area. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is in judicial custody from 20.12.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. Hence, prays to grant bail.

4.The learned Government Advocate submitted that the petitioner had excavated gravel sand from a forest area and investigation in this case is not yet completed and there is one previous case pending against the petitioner. Hence, prays to dismiss this petition.

5. Considering the nature of offences, the petitioner is incarcerated from 20.12.2025 though one previous case is reported and the properties is already been recovered, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Mettupalayam and on further conditions that:

[a] 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 the identity proofs to ensure their identity;

[b] the petitioner shall report before the learned Judicial Magistrate, Mettupalayam, daily at 10:30 a.m., for a period of three weeks, other than the hearing dates before the concerned Court in other cases and thereafter, as and when required for interrogation by the respondent police;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.