

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

Present: **Thiru.A.Kanthakumar, M.L.,**
Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.

Dated this the 09th day of June 2026, Tuesday .

Cr.M.P. No.1508/2026

Suresh (A2)

... Petitioner/Accused.

/ Vs /

State through the Inspector of Police,
Aruppukottai Taluk P.S
Cr.No.146/2026

U/s.303(2) of BNS r.w. 21(4) of Mines and
Minerals (Development and Regulation) Act @
303(e) of BNS r/w. 21(4) of MMDR Act

... Respondent/ Complainant.

This petition coming on this day before me for hearing in the presence of Thiru.K.Jeyaram, Advocate for the petitioner and Thiru.S.Thirumalaiappan, Public Prosecutor for the respondent and upon hearing the argument of both sides, this court made the following

ORDER

It is an application for anticipatory bail u/s.482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)

FIR was registered against the petitioner/A2 for the offences u/s.303(2) of BNS r.w. 21(4) of Mines and Minerals (Development and Regulation) Act @ 303(e) of BNS r/w. 21(4) of MMDR Act. The occurrence happened on 23-05-2026.

As per the FIR, on 23.05.2026 at about 1.00 p.m., a police party headed by the Inspector of Police, Aruppukottai Taluk Police Station, was on surveillance duty near Athipatti Village, opposite Bharat Petroleum Bulk. At that time, a vehicle bearing Registration No. TN-09-AR-7627 was found proceeding through the said route. The respondent police intercepted and searched the vehicle, and it was allegedly found that the petitioner/A1, who was driving the vehicle, was transporting 3 units of M-sand without any valid permit or transit pass. A2, being the owner of the lorry, is alleged to have permitted the use of the vehicle for the illegal transportation of 3 units of M-sand. Hence, the case was registered against the accused.

According to the learned counsel for the petitioner, the petitioner is innocent and he has not committed any such offence and prays to enlarge the petitioner on anticipatory bail. On the other hand, the learned Public Prosecutor contended that if the petitioner is granted anticipatory bail he would commit similar types of offences again and hence he objected to grant anticipatory bail to the petitioner.

Heard both sides. Records perused. On a perusal of the records, it is seen that the case relates to the alleged illegal transportation of M-Sand without a valid transit pass. The learned Public Prosecutor strongly opposed the grant of bail to the petitioner on the ground that A1 who is the driver of the lorry was found transporting approximately three units of M-Sand without a valid transit pass. It was further submitted that, at the time of verification, A1 produced a transit pass issued in the name of Suganya Aggregates Company, Aladipatti, which had already expired. Per contra, the learned counsel for the petitioner submitted that the petitioner is only the crusher staff he is not involved in the alleged illegal transportation of M-Sand.

It is alleged that the petitioner abetted the commission of the offence and the petitioner is the owner of the lorry involved in the alleged illegal transportation of M-Sand without a valid transit pass. According to the prosecution, it was at the instigation of the petitioner that Accused No.1 committed the offence.

Considering the submissions made on either side and the materials available on record at this stage, the specific allegation against the petitioner is that he played an active role in facilitating and abetting the illegal transportation of M-Sand. The alleged act has resulted in loss of revenue to the Government exchequer and, therefore, the offence cannot be viewed lightly and that if the petitioner is granted anticipatory bail he would commit similar types of offences again. Accordingly, this Court is not inclined to grant anticipatory bail to the petitioner.

In the result, the petition is dismissed.

Pronounced by me in the Open Court on this the 09th day of June 2026.

Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.

To

The Judicial Magistrate, Aruppukottai.