



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.16333 of 2021

WEB COPY

1.Kumar

2.Kalyanasundaram

... Petitioners/Accused Nos.3 & 5

Vs.

The State Rep. By
The Inspector of Police,
Vijayanarayanam Police Station,
Thirunelveli District.
(Cr.No.172 of 2021)

... Respondent/Complainant

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.P.Kottaichamy,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.172 of 2021 on the file
of the respondent Police.

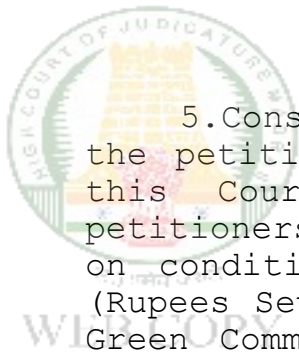
ORDER : The Court made the following order :

The petitioners, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section
379 IPC, in Crime No.172 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners have illegally
quarried and transported ½ unit of Kuruman by using Tipper Lorry.
Hence, the complaint.

3.Learned Counsel for the petitioners submits that the
petitioners are innocents and have not committed any offence as
alleged by the prosecution, but, a false case has been foisted as
against them. However, to show their *bona fide*, they are prepared to
pay a sum of Rs.7,500/- to any organization as directed by this
Court.

4.Learned Government Advocate (Crl.side) appearing for the
respondent police submitted that the petitioners have illegally
transported ½ unit of Kuruman and hence, the case was registered. He
submitted that the petitioners have no previous case pending
against them.



5.Considering the nature of mineral involved, the antecedent of the petitioners and their willingness to pay a sum of Rs.7,500/-, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall pay a sum of Rs.7,500/- (Rupees Seven thousand five hundred Only) in favour of the District Green Committee, Tirunelveli District, without prejudice to their rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Nanguneri.

6.The District Green Committee, which was formed as per the Government Order in G.O.Ms.No.39, Environment, Climate Change and Forest (FR.13) Department, dated 02.07.2021, pursuant to the directions of this Court in W.P.No.11094 of 2021, shall utilize the amount paid by the petitioners for plantation of trees on either side of the road, tree guard, drip irrigation, manure, etc., with public participation, including, NGOs, Confederation of Industries, Rotary Clubs, Lions Clubs, School Students, College Students, Self Help Groups, labours under MGNREGS and any other volunteers, etc., to achieve 100% survival rate of the planted trees. The State Green Committee shall extend their support in this regard by recommending the correct variety / species of trees, in accordance with the soil type and climatic conditions and also for the maintenance. The maintenance of the trees planted has to be reviewed by the District Green Committee, after two years and necessary appreciations have to be made to the stakeholders concerned in the form of certificates.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the Magistrate concerned and on further conditions that:

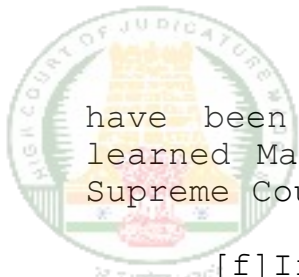
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

<https://hcservices.ecourt.gov.in/hcservices> In case of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE DISTRICT COLLECTOR,
DISTRICT GREEN COMMITTEE,
TIRUNELVELI DISTRICT.
- 5.THE OFFICER INCHARGE,
STATE GREEN COMMITTEE, CHENNAI.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.16333 of 2021
Date :26/10/2021