



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

Tuesday, the Fifteenth day of February Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL MP(MD) No.2180 of 2022 IN
CRL OP(MD) No.16267 of 2021

WEB COPY

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
CB-CID, TIRUNELVELI RANGE,
TIRUNELVELI DISTRICT.
(CRIME NO. 417 OF 2020).

... PETITIONER/RESPONDENT

Vs

1. SEEVALA MUTHU @ KUMAR
2. P.AARIHARASUTHAN

... RESPONDENTS/PETITIONERS/
ACCUSED 10,11

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for the records only cancel the Anticipatory Bail granted to the respondents herein by this Honourable Court in Crl.O.P.(MD) No. 16267 of 2021 dated 01/11/2021.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.T.SENTHIL KUMAR, Additional Public Prosecutor Advocate for the petitioner and of MR.M.M.MANIVEL PANDIAN, Advocate on behalf of the Respondents, the court made the following order:-

This miscellaneous petition has been filed for cancellation of anticipatory bail granted to the respondents / petitioners in Crl.O.P(MD)Nos.16267 of 2021, dated 01.11.2021.

2.The learned Additional Public Prosecutor appearing for the State submits that the petitioners in Crl.O.P(MD)Nos.16267 of 2021 have obtained anticipatory bail by giving undertaking that to show their bonafide they each would deposit Rs.5,00,000/- within a period of four weeks. Based on their undertaking this Court has granted anticipatory bail to them. But the accused have failed to deposit the said amount as undertook by them and they are also evading the investigation. The learned Additional Public Prosecutor also produced the copy of the notice issued by the Deputy Superintendent of Police, SID Crime Branch CID, Madurai, which is also served on the respondents.

3.Mr.Manivel Pandian, learned Counsel appearing for the respondents/accused submits that the respondents are the then Vice Presidents and hence, they have also been arrayed as accused in this

<https://hcservices.ecourts.gov.in/hcservices/now>



are not in a position to arrange the said amount of Rs.5,00,000/- as of now.

4.Heard the learned Counsel on either side and perused the materials placed on record.

WEB COPY

5.The offence in this case is that a huge quantity of sand has been illegally quarried and transported to the State of Kerala with the connivance of some officials and the accused. The Revenue Divisional Officer, who inspected the occurrence site, has also initiated action against the accused and imposed penalty to the tune of Rs.9.25 Crores.

6.This Court by considering above and the serious nature of the offence, was not inclined to grant anticipatory bail to the accused. However, the learned Counsel for the accused/ the petitioners in the criminal original petition represented that the petitioners in order to show their bonafide have come forward to pay a sum of Rs.5,00,000/- each to the credit of the crime number and also they would abide by any condition imposed by this Court.

7.Though this Court was initially not inclined to grant anticipatory bail to the petitioners/accused, on the submission made by the learned Counsel for the petitioners therein that the petitioners in order to show their bonafide have come forward to pay a sum of Rs.5,00,000/- each, granted anticipatory bail to them on 01.11.2021, with a direction to pay the said amount within a period of four weeks from the date of receipt of a copy of the order and with certain other conditions. However, they have not paid the amount as undertook by them.

8.Though the learned Counsel for the accused pleaded that the accused are not in a position to pay the said amount, so far they have not filed any application before this Court for modification of the condition. They are enjoying the anticipatory bail as of now. Further, the learned Additional Public Prosecutor also reports that the petitioners are evading the investigation.

9.Considering the conduct of the respondents/accused and the manner in which, they have obtained anticipatory bail from this Court, the anticipatory bail granted to the petitioners in Crl.O.P (MD)Nos.16267 of 2021 on 01.11.2021 is hereby cancelled. This criminal miscellaneous petition is allowed. The investigating agency is at liberty to secure the respondents/accused.

sd/-

15/02/2022

/ TRUE COPY /

/ /2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID WING, TIRUNELVELI DISTRICT.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID(SID), MADURAI.

5. THE INSPECTOR OF POLICE,
CB-CID, TIRUNELVELI RANGE,
TIRUNELVELI DISTRICT.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 C.C. TO MR.M.M.MANIVEL PANDIAN, Advocate, S.R.NO.6722(F).

ORDER

IN

CRL MP(MD) No.2180 of 2022

IN

CRL OP(MD) No.16267 of 2021

Date :15/02/2022

USK/PN/SAR-I/03.03.2022/3P/8C