



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

Friday, the Twenty Ninth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

Crl.MP(MD)Nos.2182 & 3602 of 2022
in
Crl.OP(MD)No.14310 of 2021

CRL MP(MD) No.2182 of 2022:

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
CBCID, TIRUNELVELI RANGE,
TIRUNELVELI DISTRICT,
TIRUNELVELI.
CRIME NO.417 OF 2020.

... PETITIONER/RESPONDENT

Vs

A.NISHAD

... RESPONDENT/PETITIONER
ACCUSED-9

Prayer in CRL MP(MD) No.2182 of 2022:

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 respondent herein by this Hon'ble Court in Crl.OP(MD) No.14310 of 2021 dated 01.11.2021.

CRL MP(MD) No.3602 of 2022:

A.NISHAD

... PETITIONER/ ACCUSED NO.9

- VS. -

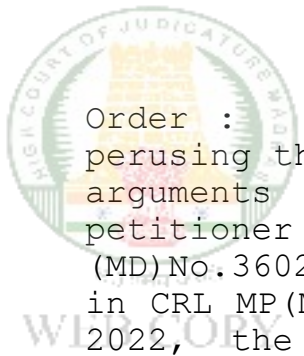
STATE REP.BY
THE INSPECTOR OF POLICE,
CBCID, TIRUNELVELI RANGE,
TIRUNELVELI DISTRICT.
IN CRIME NO.417/2020.

... RESPONDENT/ COMPLAINANT

Prayer in CRL MP(MD) . 3602/ 2022 :

To extend the time for 2 weeks period to deposit a sum of Rs.10,00,000/- to the credit of Crime No.2/2021 before the Judicial Magistrate No.I, Tirunelveli as per order of this Hon'ble High Court in Crl.OP(MD)No.14310/2021 on 1/11/2021.

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



Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.T.SENTHIL KUMAR, Government Advocate for the petitioner in CRL MP(MD) No.2182 of 2022 and Respondent in CRL MP(MD)No.3602 of 2022 and Mr.C.SUSIKUMAR, Advocate for the petitioner in CRL MP(MD)No.3602 of 2022 and Respondent in CRL MP(MD)No.2182 of 2022, the court made the following order:-

Crl.MP(MD) No.2182 of 2022 is filed by the petitioner to extend the time for two weeks to deposit a sum of Rs.10,00,000/- to the credit of Crime No.2 of 2021, before the Judicial Magistrate Court No.I, Tirunelveli, as per order of this Court in Crl.OP(MD) No.14310 of 2021, dated 01.11.2021.

2.Crl.MP(MD) No.2182 of 2022 is filed by the Inspector of Police, CBCID, Tirunelveli District to cancel the anticipatory bail granted to the petitioner/Accused No.9, in Crl.OP(MD) No.14310 of 2021, on the ground that after obtaining an order from this Court, the accused failed to appear before the concerned Magistrate Court and produce surety and he did not appear before the Investigating Officer for enquiry.

3.The petitioner along with other accused persons illegally quarried sand from River Thamirabarani and its tributaries to the State of Kerala. In earlier occasion, the learned counsel appearing for the petitioner/accused gave an undertaking that they will pay a sum of Rs.10,00,000/- to show his bonafide and ready to co-operate with the investigation and based on the undertaking made on behalf of the petitioner, this Court granted anticipatory bail to the petitioner in Crl.OP(MD) No.14310 of 2021. Now, it is reported that he has been wrongly advised by the Counsel to file an application before the Honourable Supreme Court and accordingly, he has filed an application seeking cancellation of the condition imposed by this Court in Crl.OP(MD) No.14310 of 2021 and now he realized his mistake and he also withdrawn the application in SLP No.10178 of 2021, dated 22.04.2022. He also filed an affidavit of undertaking before this Court for the mistake committed by him and he is also prepared to pay a sum of Rs.1,00,000/- in addition to Rs.10,00,000/-.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submits that the petitioner is the main accused and he is the financier. Aggrieved over the condition imposed by this Court while granting interim order to the petitioner, he filed SLP No.10178 of 2021, before the Honourable Supreme Court of India, as if he is a Coolie worker and he has been forced to pay a sum of Rs.10,00,000/-. After the respondent police filed an objection with the relevant documents showing the bank transaction of the petitioner for Rs.85,00,000/-, the petitioner sought permission of the Honourable Supreme Court to withdraw the application filed by him and now he has come forward with this



5.This Court considered the submissions on either side and perused the materials placed on record.

6.Crl.MP(MD) No.2182 of 2022 is filed by the petitioner to extend time for two weeks to deposit a sum of Rs.10,00,000/- as per the order of this Court in Crl.OP(MD) No.14310 of 2021, dated 01.11.2021, along with an affidavit of undertaking stating that he has been wrongly advised by the counsel to file an application, as against the earlier order of this Court, before the Honourable Supreme Court and now he realized his mistake and he is also prepared to pay a sum of Rs.1,00,000/- in addition to Rs.10,00,000/-, within a period of one week.

7.Since the petitioner realized his mistake and ready to pay a sum of Rs.11,00,000/- (Rupees Eleven Lakhs Only), this Court is inclined to allow this petition seeking extension of time.

8.Accordingly, Crl.MP(MD) No.2182 of 2022 is allowed. Time for deposit of Rs.11,00,000/- (Rupees Eleven Lakhs Only) by the petitioner/accused, before the Judicial Magistrate Court No.I, Tirunelveli is extended till 27.05.2022.

9.In view of the order passed in Crl.MP(MD) No.2182 of 2022, the petition filed by the Inspector of Police, CBCID, Tirunelveli District to cancel the anticipatory bail granted to the petitioner/Accused No.9 in Crl.MP(MD) No.2182 of 2022 is dismissed.

10. It is also made clear that if the petitioner failed to make payment by using this extension of time till 27.05.2022, the earlier order of this Court, granting anticipatory bail will stand automatically cancelled and it is open to the respondent police to secure the petitioner.

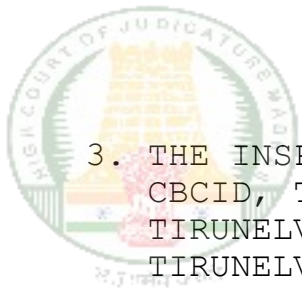
sd/-
29/04/2022

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17/05/2022
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 INSPECTOR OF POLICE,
CBCID, TIRUNELVELI RANGE,
TIRUNELVELI DISTRICT,
TIRUNELVELI.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-4240[I] dated 29/04/2022)

ORDER
IN
CrI.MP(MD)Nos.2182 & 3602
of 2022
in
CrI.OP(MD)No.14310 of 2021
Date :29/04/2022

vrn
USK/JM/SAR-III/17.05.2022/4P/6C