



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/03/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.4837 of 2022

Asan Mohideen Rahuman

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No.336/2021).

... Respondent/Complainant

For Petitioner : M/s.MANI ANANDH.P,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.336/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC, in Crime No.336 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported 1 ½ unit of M-sand by using Tipper lorry. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that this is the second anticipatory bail petition. Earlier the petitioner was granted anticipatory bail in Crl.O.P(MD) No.372 of 2022. Due to financial crisis, the conditional order passed by this Court has not been complied with. He would further submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (crl.side) would submit that earlier the petitioner was granted anticipatory bail by this Court in Crl.O.P(MD) No.372 of 2022 with a condition to deposit a sum of



Rs.20,000/-. However, the conditional order has not been complied with. Hence, anticipatory bail granted earlier was automatically cancelled.

5.Considering the facts and circumstance of the case, a second anticipatory bail petition may not lie, even though, it is contended on behalf of the petitioner that in the operative portion of the order, it has been mentioned that if any one of the conditional order is not satisfied, then anticipatory bail that has been granted by this Court, will stand automatically cancelled, however, the learned counsel for the petitioner submitted that because of the inability, the petitioner is not in a position to comply with the order of execution of surety as well as the deposit of money. Hence, the petitioner is at liberty to file a petition for extension of time, to comply with the condition imposed in the order earlier passed.

6.With the aforesaid liberty, this petition is dismissed.

sd/-
15/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.4837 of 2022

Date :15/03/2022

SA/PN/SAR.1/31.03.2022/2P/3C