



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

Date : 17/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13951 of 2022

1. Paramasivan
2. Sudalai @ Sudalaimuthu
3. Esakkimuthu

... Petitioners/Accused Rank 1 to 3

Vs

The State Rep. By,
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli.
Crime.No.66 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Rajasekar.G,
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 66 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C in Crime No.66 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported one Unit of sand by using Tractor. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their *bona fide*, the petitioners have



come forward to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.66 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported one unit of sand illegally by using Tractor. He further submitted that one previous case is pending against the 2nd petitioner in Crime No. 146 of 2018 on the file of the respondent police.

5. Considering the nature of the mineral involved, the antecedents of the petitioners 1 and 3 and their willingness to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.66 of 2022, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners 1 and 3 shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.66 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners 1 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District on condition that the petitioners 1 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 1 and 3 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 1 and 3 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

9. Considering the fact that the 2nd petitioner is having one previous case, this Criminal Original Petition is dismissed against the 2nd petitioner viz., Sudalai @ Sudalaimuthu.

sd/-
17/08/2022

/ TRUE COPY /

/08/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.RAJASEKAR, Advocate (SR-8683[I] dated 18/08/2022)

ORDER

IN

CRL OP(MD) No.13951 of 2022

Date :17/08/2022

trp

USK/PN/SAR-IV/25.08.2022/3P/6C