



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

Monday, the Fourteenth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16201 of 2015

A.MARIA ANTONY VILJAYA

... PETITIONER/ ACCUSED no.4

Vs

FOREST RANGER
FOREST RANGING OFFICE
TUTICORIN

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.O.SIVAKUMAR Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as an accused apprehends arrest at the hands of the respondent for the alleged offences punishable under Sections 35,36 and 56 of the Tamil Nadu Forest Act, 1882, in STOR No.1 of 2015 on the file of the respondent and hence, seeks anticipatory bail.

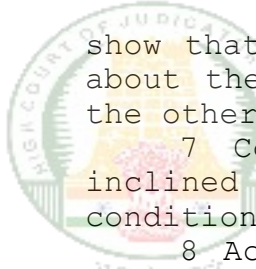
2 According to the prosecution, the respondent officials seized red sanders from the godown of the accused Josuva Rathinaraj.

3 The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner was arrayed as an accused, based on the confession of the co-accused and the petitioner has no knowledge about the red sanders said to have been seized from A1. The learned counsel further submitted that the petitioner is neither owner of godown nor he is the owner of the red sanders and there is no material against this petitioner.

4 The learned counsel further submitted that the prime accused/A1 was arrested and released on bail by the Judicial Magistrate, Thoothukudi in Crl.M.P.No.3775 of 2015, dated 02.06.2015 and the petitioner is ready to cooperate with the investigation.

5 Per contra, the learned Government Advocate (Crl.side) vehemently opposed granting of anticipatory bail to the petitioner and also filed a detailed counter affidavit on 27.08.2015. It is further submitted that the other accused in this case were arrested and released on bail and the petitioner is a professional smuggler and he is also an accused for the supply of diesel for American Weapon Ship, which is pending in STC No.242 of 2015 on the file of the Principal Subordinate Judge, Tuticorin. The learned Government Advocate (Crl.side) further submitted that the petitioner is having knowledge about the transportation of the red sanders, which is worth at Rs.1 Crore and if he is released on <https://services.court.gov.in/services/>, it would cause much hardship to the Government and he would definitely interfere with the investigation and temper the witness.

6 It is seen that the respondent has not produced any material to



show that the petitioner is a professional smuggler and he has knowledge about the possession of the red sander by the A1 and he actively helped the other accused for transportation of the red sander.

7 Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8 Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Tuticorin and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

9 The petitioner 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.

sd/-

14/09/2015

/ TRUE COPY /

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

TO

1 FOREST RANGER, FOREST RANGING OFFICE
TUTICORIN

2 THE JUDICIAL MAGISTRATE NO.II
TUTICORIN

3 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN

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

+1. CC to M/S.O.SIVAKUMAR Advocate SR.No.54979

ORDER

IN

CRL OP(MD) No.16201 of 2015

Date :14/09/2015

JAM/NGM-SS/SAR-I/25.9.15/2P-6C