



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

Thursday, the Fifth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.728 of 2015

WEB COPY

DHANARAJ

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION, RADHAPURAM TALUK,
TIRUNELVELI DISTRICT.
CR. NO.14/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 447 and 3(1) of TNPPDL Act in Crime No.14 of 2015 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

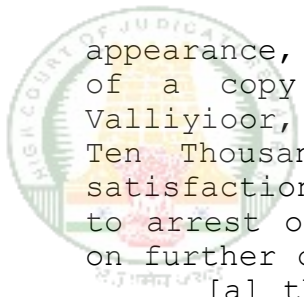
2.The case of the prosecution is that pursuant to the orders of the Hon'ble Supreme Court, the Saw Mill run by the petitioner was sealed by the forest authorities on 03.09.2011. It is alleged by the de facto complainant, who is the Forest Range Officer that this petitioner has surreptitiously broken the Government seal and has entered into the property and has started running the Saw Mill.

3.On 29.01.2015, this Court directed the investigating officer and the forest officials to be present before this Court. Pursuant to the directions, Mr.V.Pichai, Forest Guard is present. The investigating officer is also present. He has filed a status report, in which, it is stated that he has visited the Saw Mill on the directions of this Court.

4.The petitioner has filed an undertaking affidavit, in which, he has stated that he has not taken possession of the Saw Mill and the Seals are intact and that he will not tamper with the Seal. He has also stated that he will take recourse to legal process. His undertaking is accepted.

5.The forest official and the Police who are present here submitted that the Seals are back in the same position and the Saw Mill is in the control of the forest officials. The police is directed to give sufficient protection, whenever a request is made by the forest officials.

<https://hcservices.courtsgov.in/reservices/> the undertaking given by the petitioner, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his



appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, on executing a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police as and when required for interrogation;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial;

[d] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), as to whether the first petitioner is complying with the order or not.

sd/-
05/02/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,VALLIYIOOR,

2.DO THRO THE CHIEF JUDICIAL MAGISATRATE,TIRUNELVELI.

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT MADURAI.

4.THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION, RADHAPURAM TALUK,
TIRUNELVELI DISTRICT.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.5380

ORDER
IN
CRL OP(MD) No.728 of 2015
Date :05/02/2015

RG.06.02.2015

2P.6C.