



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14546 of 2016

R. SUDALAIMUTHU

... PETITIONER/ACCUSED NO. 3

Vs

STATE REP.BY THE FOREST RANGER

AMBASAMUDRAM FOREST OFFICE,

AMBASAMUDRAM TALUK, TIRUNELVELI DISTRICT.

(O.R. NO. 18 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.KARMEGAM Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

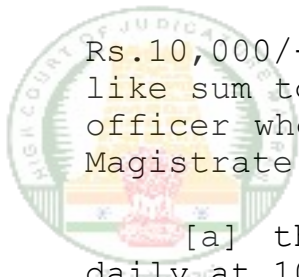
The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 27,29,30, 31 r/w. 21 (DEFG), 26(D), of Tamil Nadu Forest Act and Section 51(1) "C" of Wild Animal Protection Act, 1973 in O.R.No.18 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused illegally entered into the forest and damaged the trees and broken the rock in search of Diamond. On complaint, case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner along with other accused entered into the forest and damaged the trees in search of Diamond and the petitioner is having two previous cases.

5. Considering the facts and circumstances of the case, 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamuthiram, Thirunelveli District and on condition that the petitioner shall execute 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 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 daily at 10.00 am and 5.00 pm until further orders.

[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 petitioners 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
22/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUTHIRAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE FOREST RANGER, AMBASAMUDRAM FOREST OFFICE,
AMBASAMUDRAM TALUK, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.KARMEGAM Advocate SR.No.47031
TRP
JA-SK-SKN-SAR.III/30.08.2016/2P-6C

ORDER IN
CRL OP(MD) No.14546 of 2016
Date :22/08/2016