



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

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13834 of 2017

1 PRABHU
2 SINGAM
3 PERUMAL
4 MANI

... PETITIONER / ACCUSED NO.2 to 5

Vs

THE STATE REP.BY,
THE FOREST RANGER
VARUSANADU RANGE, THENI DISTRICT,
O.R NO. 15/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

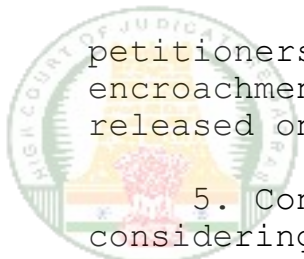
ORDER : The Court Made the following order :-

The petitioners, who is arrayed as Accused Nos.2 to 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21 d, a, b, c, e, g (V Chapter) Tamil Nadu Forest Act, 1882 and Section 29 of Tamil Nadu (Forest Act) Wild Life (Production) Act 1972 (2006 Amend act) in O.R.No.15 of 2017, on the file of the respondent forest ranger, seek anticipatory bail.

2. The case of the prosecution is that on 03.10.2017, when the Forest Ranger had gone into Thumagundu South Beat Varusa Nadu, the Forest Range had found that the petitioners and other persons had cut 58 trees which includes akil, unnai and kattu lemon trees and had cleared ¾ acre of forest land for encroachment. On complaint, a case has been registered for the above said offences. A1 was arrested and remanded to judicial custody.

3. The learned counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He also further submitted that the petitioners shall comply with any condition imposed by this Condition.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that there is no previous case against the



petitioners and also confirmed the removal of 58 trees in order to encroachment of forest land. He also further submitted that A1 was released on bail in the lower Court.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the petitioners with certain conditions. In view of increasing cut down of trees in forest land and in order to curb the same, it is necessary to impose some conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) each to the credit of the first respondent within a period of two weeks from the date of receipt of copy of this order. After such deposit, the trial Court shall accept the sureties furnished by the petitioners.
- (ii) the petitioners shall report before the respondent police daily at 10.00 a.m and 05.00 p.m., for a period of four weeks and thereafter, as and when required for interrogation;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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 and the anticipatory bail granted stands cancelled automatically.

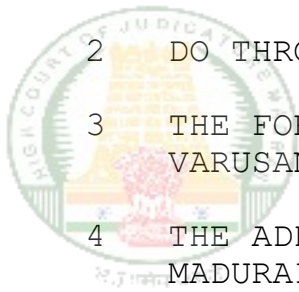
sd/-

12/10/2017

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE FOREST RANGER,
VARUSANADU RANGE, THENI DISTRICT.

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

WEB COPY

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.32748

ORDER

IN

CRL OP(MD) No.13834 of 2017

Date :12/10/2017

MKV-CM-MSA-SAR 1/13.10.2017/3P-6C