



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15494 of 2017

1 MUTHUSAMY
2 MALAIYANDI
3 PASUPATHI
4 PRABAKARAN @ PRABHU

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
CR NO 284 OF 2017.

... RESPONDENT / COMPLAINANT

PANDIYAMMAL

...PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

For Petitioners : M/S.B.JAMEEL ARASU Advocate

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

For Intervener : MR.JOSEPH THATHEUS JEROME, ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427 and 379 of IPC, in Crime No.284 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are said to have cut Silver Oak trees belonging to the defacto complainant. Thereby the defacto complainant filed a complaint stating that 108 Silver Oak trees, worth about Rs.8,00,000/- were removed by the petitioner without the consent of the defacto complainant. Based on the complaint, the Law Enforcing Agency registered a case for the above said offences against the petitioners.

3. When the matter was taken up for hearing on 29.11.2017, this Court appointed the Forest Ranger, Kannivadi, to inspect the



property in the presence of the petitioners as well as the defacto complainant and directed to report before this Court regarding the removal of trees and their value. Accordingly, the said forest official filed a report before this Court in which it was stated that 45 trees were removed from the defacto complainant's land, worth about Rs.1,53,929/-.

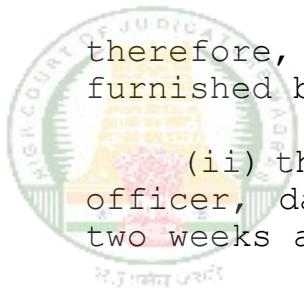
4. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that as per the direction of this Court, the forest official inspected the said property in the presence of the petitioners as well as the defacto complainant and came to a conclusion that the Silver Oak trees worth about Rs.1,53,929/- were removed from the defacto complainant's land. He further submitted that the petitioners are ready to pay the said amount without prejudice to their defence before the trial Court.

5. The learned counsel appearing for the intervenor would submit that the forest officials colluded with the petitioners and arrived at a meagre amount of Rs.1,53,929/- as against 108 Silver Oak trees and the quantum arrived by the officials also very meagre and the report filed by the forest official is not in consonance with the legal parameter.

6. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that as per the allegation made in the FIR, the petitioners removed 108 Silver Oak trees worth about Rs.8,00,000/-. However, the forest officials filed a report before this Court in which it was stating that 45 trees were removed by the petitioner from the defacto complainant's land, worth about Rs.1,53,929/-. In order to give quietus, this Court may impose some reasonable condition directed the petitioner to deposit the amount in the crime number without prejudice the rights to contest the case before the trial Court.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on both side, I am inclined to grant anticipatory bail to the petitioners with certain 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Dindigul, 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 each 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 petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of the Crime No.284 of 2017, on the file of the learned Judicial Magistrate No.III, Dindigul, without prejudice to their defence before the trial Court and



therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(ii) the petitioners shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks and thereafter as and when required;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners shall not commit any offence while on bail;

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
19/12/2017

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

pjl
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE, KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE FOREST RANGER, KANNIVADI, DINDIGUL DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.36510
+1cc to MR.JOSEPH THATHEUS JEROME, ADVOCATE in SR.No. 36510

GJM/RM/SAR-I-22.12.2017-3P-8C

ORDER
IN
CRL OP(MD) No.15494 of 2017
Date :19/12/2017