

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10541 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-A1 to A5 for the offences alleged under Sections 447, 427, 379, 34 IPC and 3 of PDPP Act.

2. Heard learned counsel for the petitioners, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners would submit that the subject land belong to them. They are cultivating the land from long time. Their names and their fathers' names are also recorded in the pahanis.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners.

5. As per the report lodged, Eucalyptus plants were planted in the subject land. On 31.07.2017, the petitioners removed some Eucalyptus plants and caused damage to the public property. As per the allegations, the petitioners trespassed into the reserve forest land and removed the Eucalyptus plants. Finding the names of the petitioners and their fathers' in the revenue record does not help the petitioners to seek bail under Section 438 Cr.P.C. Even if the land belongs to the petitioners or they have right over that land, they would have resorted to lawful measures, but not by removing the Eucalyptus plants planted by the forest officials. Therefore, it is not a fit case to grant bail to the petitioners under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 08-11-2017

Hsd