



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Third day of October Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.17490 of 2018

JEYASINGH

... PETITIONER / RANK NOT KNOWN

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
KURANGANI POLICE STATION,
THENI DISTRICT.
(CR NO.18/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.M.VISHNUVARTHANAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government 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 the offences punishable under Section 174 of Cr.P.C., @ to Sections 338, 304(2) and 304(A) of I.P.C. in Crime No.18 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.03.2018, few tourist persons with the travel guide from "Tour de India Holidays", Erode, and its members, paid of sum of Rs.200/- per head as a entry fee and entered into Kurangani Reserved Forest for trekking at 09.00 a.m. and they proceeded and returned on the same pathway by 02.00 p.m on that day, there was forest fire and it has spread over the entire forest. Therefore, the persons who went for trekking shouted in panic and find their own way and in the meanwhile 23 persons were died and few of them were escaped and returned Kurangani Reserved Forest. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A-4. When he was working as a Forester, he did not permit the deceased to enter into the Kurangani Reserved Forest by trekking, but the other Forest Head, on receipt of Rs.200/- per head, permitted them for trekking in the Kurangani Reserved Forest. Unfortunately, there was a forest fire and as such totally 23 persons died. Though the petitioner and others took very serious steps to recover the injured persons, they failed. Further, the department also issued a charge memorandum with three charges. The charges are; (i) instead of sending the scheduled tribe persons who are connected with the forest, by permitted one Ranjith to go along with the persons who paid requisite fee for trekking; (ii) the amounts collected by the Forest Head from the deceased persons are not deposited by the petitioner into the accounts. He failed to prevent the persons who entered into the forest without proper permission from forest department; (iii) initially he was suspended from his service and subsequently his suspension was revoked and reinstated in service. Therefore he is nothing to do with the entire crime and as a Forester, he is also impleaded as an accused.

4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner arrayed as 4th accused he illegally permitted the deceased persons who entered into the Kurangani Reserved Forest and due to fire, they died.

5. It is seen from the entire allegations and submissions of the both counsel, as far as the petitioner is concerned, he failed to take action as against the Forest Head who allowed the deceased persons to enter into the reserved forest, which is restricted area. Further, as per the departmental proceedings, the petitioner was suspended and subsequently his suspension was revoked and reinstated in his service. Further, it seems that the deceased persons have paid requisite fee I.e., a sum of Rs.200 per head and thereafter, without their permission and they entered into the Kurangani Reserved Forest area.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Bodi and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.



6.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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sd/-
03/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE COURT,
BODI.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, THENI.

3 THE SUB INSPECTOR OF POLICE
KURANGANI POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.18765

ORDER
IN
CRL OP(MD) No.17490 of 2018
Date :03/10/2018

JM/PN/SAR 4/12.10.2018/3P/6C