



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2161 of 2019

N.RAMRAJ

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE FOREST RANGER,
SRIVILLIPUTHUR RANGE,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
IN (FOREST CRIME NO.52/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.SUGADEV, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

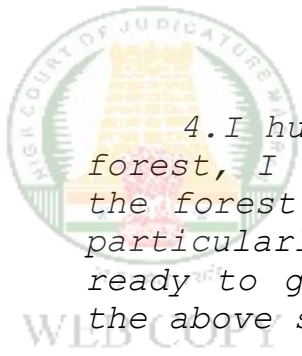
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 21 (g) of Tamil Nadu Forest Act, 1882 and Section 26, 27(3), 29 and 34 (A) Wild Life (Protection) Act, 1972, in Crime No.52 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 26.08.2018, when the Forester conducted the survey in the forest land, he found that the petitioner had encroached the forest land in S.Nos.1399, 1400, 1401 and 1403. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and the petitioner purchased the property in S.Nos.1399/4, 1400/1 and 1403/3 from one Somasundaram through a sale deed dated 24.08.2009. However, in-advertently, the petitioner has encroached some forest land and he has filed an affidavit stating that he has not encroached the forest land and the relevant portion of the affidavit is as follows:



4. I humbly submit that I did not occupy the land belongs to the forest, I swear that I did not encroach the forest area, if at all the forest authorities found that, I had encroached their property, particularly in S.No.1401 to the extent of 0.48.56 hectares, I am ready to give up the land, further I will not claim or encroached the above said property in any manner.

4. The learned Additional Public Prosecutor for the State would submit that the Thasildar conducted the survey and the petitioner enjoyed the patta land only, which is purchased by him and the investigation is still pending.

5. Considering the facts and circumstances of the case and considering the affidavit filed by the petitioner, 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 No.II, Srivilliputhur, Virudhunagar District, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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 as if the conditions have been imposed and the petitioner 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC;

(g) if the petitioner tries to encroach the forest land, suitable action may be taken as against the petitioner by the authorities concerned;

sd/-

12/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE FOREST RANGER,
SRIVILLIPUTHUR RANGE,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.JEGADEESPANDIAN, Advocate SR-3065

ORDER

IN

CRL OP(MD) No.2161 of 2019

Date :12/02/2019

JM/PN/SAR 1/21.02.2019/3P/6C