



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22603 of 2018

1 SANKAR

2 RAJESH

... PETITIONERS / ACCUSED No. 5 & 6

Vs

THE STATE REP. BY,
MAGAMALAI F.R.O.,
KADAMALAIGUNDU,
THENI DISTRICT.
(STOR NO. 1 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.UTHAYAKUMAR Advocate

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

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

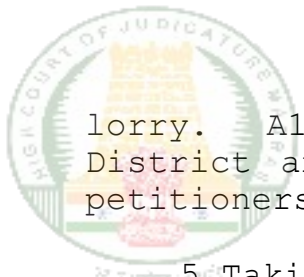
ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 1882 Tamil Nadu Forest V Act, 21(d) (e) (f) Sch. Timber Forest Offences Act and Section 56 (a) (b), 1968 Timber Logs Transport Rule 3 and 4, in STOR No.1 of 2018 seek anticipatory bail.

2.The case of the prosecution is that on 25.11.2018, during the routine vehicle checkup, the respondent party found that the petitioners illegally transported 39 pieces of teak wood trees and the petitioners were fled away from the scene of occurrence. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged crime.

4.The learned Government Advocate (Crl. Side) submits that 39 pieces of teak wood trees were recovered. Petitioners are A5 and a6 in this case. The first petitioner is the friend of the second petitioner. The second petitioner is the driver and owner of the



lorry. A1 to A4 were arrested and released on bail by Principal District and Sessions Judge, Theni. On the confession of A1 the petitioners were arrayed as accused.

5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners is 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, Aundipatti, Theni District, condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
AUNDIPATTY, THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE MAGAMALAI F.R.O.,
KADAMALAIGUNDU,
THENI DISTRICT.



3

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

+1. CC to MR.A.UTHAYAKUMAR Advocate SR.No. 221

WEB COPY

ORDER

IN

CRL OP(MD) No.22603 of 2018

Date :04/01/2019

MSI/JC/SAR-I/09.01.2019-3P/6C