

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 9458 of 2020

K.P.Zubair (M/A 53 years),
S/o.K.P. Mohammed,
10/573 D9, Old Court Road,
Gudalur, Nilgiris District.

... Petitioner/Accused

-Vs-

State Represented by,
The Inspector of Police,
Cherambadi Police Station,
Cherambadi, Nilgiris District – 643 205.
(Crime No: 237 of 2018)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying enlarge the Petitioners on bail in the event of their arrest in
connection with **Crime No: 237 of 2018** on the file of the Inspector of
Police, Cherambadi Police Station, Cherambadi, Nilgiris District – 643
205.

For Petitioner : Mr.K.R.Rameshkumar

For Respondent/s : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468 & 471 of IPC, registered in Crime No:237 of 2018 on the file of the respondent seeks anticipatory bail.

2. The case of the prosecution is that the accused Sanjay Upman, Senior Manager, M/s.Wentwork Estate, Harrison Malayalam Limited, Gudalur have obtained permission by producing nursery receipts to cut Ayani Pala Trees situated at Pandalur Taluk, Cherangode Village. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is nothing to do with the allegations contained in the FIR, and the petitioner has been falsely implicated as accused in this case. He is no way connected with the other accused persons. He would further submit that other accused were already arrested and released on bail. Hence he sought for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are two accused in this case, the first accused/ Sanjay Upman, Senior Manager, M/s.Wentwork Estate, Harrison Malayalam Limited, Gudalur have obtained permission by producing nursery receipts to cut Ayani Pala Trees situated at Pandalur Taluk, Cherangode Village and he has got anticipatory bail on 01.08.2018.

5. Considering the above facts and circumstances of the case, the co-accused was already enlarged on anticipatory bail by this Court in Crl.OP.No.14743 of 2018 by an order dated 01.08.2018, this Court is inclined to grant anticipatory bail to him.

6. Accordingly, the petitioner 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 on which the order copy made ready, before the learned Judicial Magistrate, Pandalur, Nilgiris District on condition that the petitioner shall execute 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 as and when required for interrogation.

[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 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 229A IPC.

26.06.2019

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
rkp

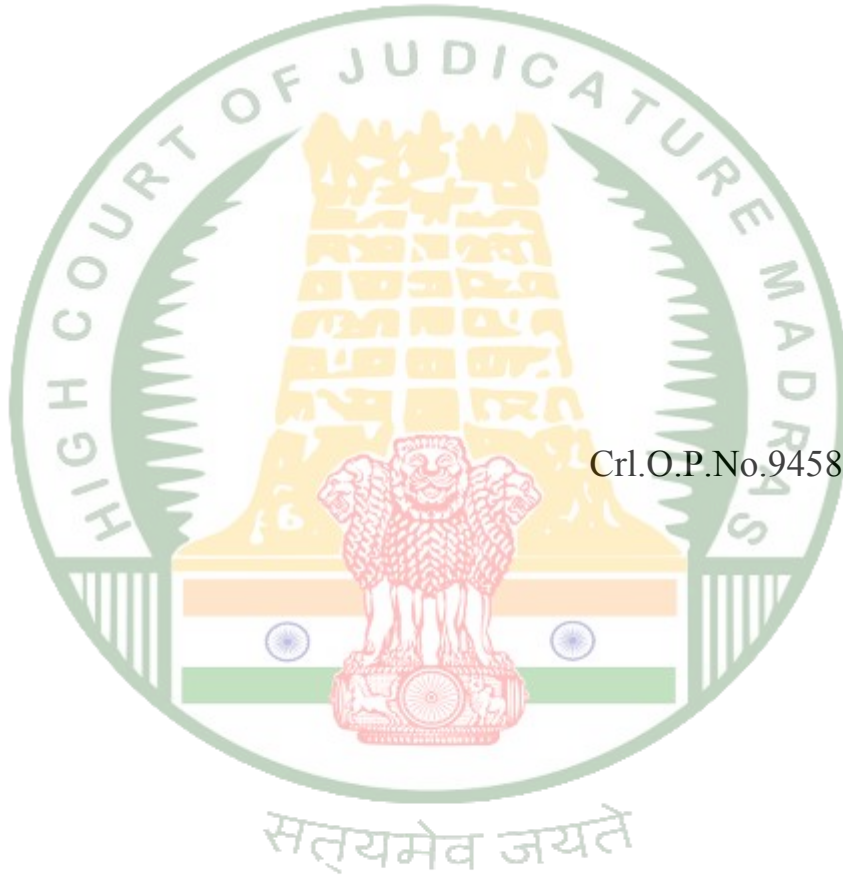
To

1. The Inspector of Police,
Cherambadi Police Station,
Cherambadi, Nilgiris District – 643 205.
2. The Judicial Magistrate,
Pandalur, Nilgiris District.
3. The Additional Public Prosecutor,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J

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