

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10611 of 2020

1.P.Raghu

2.M.Seetharaman

... Petitioners/Accused 2 & 3

Vs.

The Forest Range Officer,
FRO Royakottai,
Krishnagiri District,
WORLD.No. 135 of 2020.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent/ Forest Range Officer in WORLD.No. 135 of 2020, on the file of the respondent/ Forest Range Officer.

For Petitioners : Mr.J.Pradeep

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 21(d) (e) (g) and Section 68 of Tamil Nadu Forest Act, 1882, in WORLD.No.135 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that A1 in this case has attempted to encroach the forest land and the petitioners have assisted A1 in the encroachment.

3 The learned counsel for the petitioners would submit that the petitioners are respectively the JCB operator and his assistant. He would submit that they were engaged by A1 and under the bonafide belief that A1 is the land owner they have levelled the land and other than that they are not aware of anything. He further submitted that A1 was granted bail. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that A1 has attempted to encroach upon the forest land and the petitioners who are JCB operator and his assistant and have cleared the land. He further submitted that there is no previous pending case against them.

5 Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Hosur, Krishnagiri District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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 229A IPC.

8 With the above directions, this Criminal Original Petition is ordered.

-sd/-

16/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR, KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

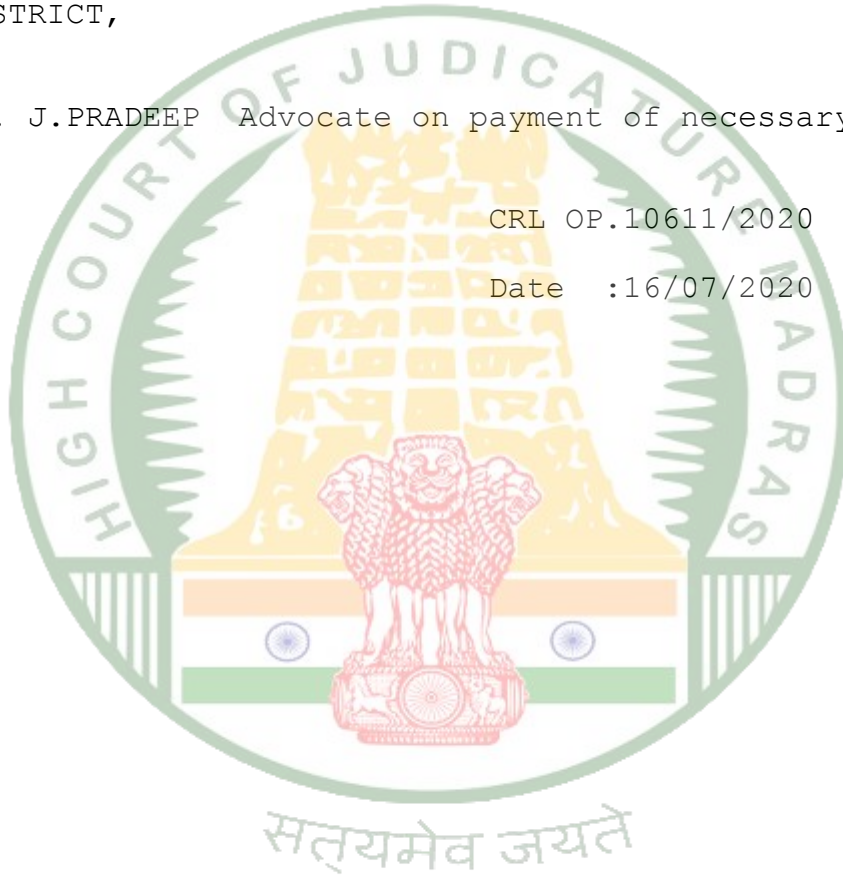
3 THE FOREST RANGE OFFICER
FRO ROYAKOTTAI,
KRISHNAGIRI DISTRICT,

CC to M/S. J.PRADEEP Advocate on payment of necessary charges

CRL OP.10611/2020

Date :16/07/2020

RVR 04/09/2020



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