

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17374 of 2020

Kaja Maitheen

... Petitioner

Vs

The State Represented by,
The Inspector of Police,
Kottur Police Station,
Coimbatore District.
(Cr.No.435 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.435 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 427 and 353 of IPC, in Crime No.435 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Saravanan, who is a Zonal Deputy Thasildhar is that while he was conducting inspection in the village he had seen the petitioner cutting down the banyan trees, without any permission and transporting the same in a lorry. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was hired by one Vijaya who has informed the petitioner that she has obtained the permission from the concerned officials. However, he would further submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.5,000/- to the

credit of Crime number to show his bonafide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner without any permission had cut down the banyan trees and when the same was questioned by the defacto complainant, who is a Zonal Deputy Thasildhar he has not answered properly . Hence, he opposed grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel appearing on either side, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five Thousand Only) to the credit of Crime No. 435 of 2020 and on such deposit and production of proof, 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 copy of the order is made ready, before **the Judicial Magistrate No.1 of Pollachi, Coimbatore District**, on condition that the petitioner shall execute a separate 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 daily at 10.30 a.m., until further orders.**

[c] the petitioners shall deposit a sum of Rs.5,000/- to the credit of Crime No.435 of 2020.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
05/11/2020

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.I,
POLLACHI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.17374/2020

Date : 05/11/2020

TA-MN-23/11/2020

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