



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8026 of 2020

S.Balakrishnan ... Petitioner/Accused (Not Known)

Vs

State rep.by
The Forest Range Officer,
Courtallam and Shencottah,
S.T.O.R.No.2 of 2020,
Tenkasi District. ... Respondent/Complainant

For Petitioner : M/s.F.X.Eugene,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

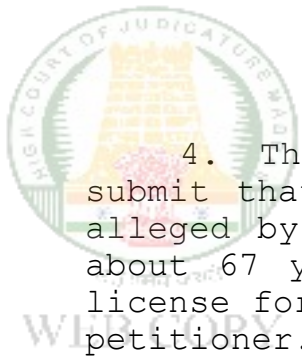
PRAYER :- For Anticipatory Bail in STOR.No.2 of 2020 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent for the offences punishable under Tamil Nadu Rose Wood Trees (Conservation) Act, 1994 Sections 2,3,4,6 & 10, Tamil Nadu Maintenance of Account in respect of Scheduled Timber for Industrial Commercial Rules 1998 Sections 3, 3-A and 4 of Tamil Nadu Forest Act 1882 Sections 2,3,5, 36, 41, 49 A, 49F, 49G(a), 53, 54, 56, 56B, 56c, 56d and Sections 2, 3(i), 4 & 7 of Tamil Nadu Timber Transit Rules, 1968 in S.T.O.R. No.2 of 2020 on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner who is arrayed as A-5 and he is the owner of Saw Mill. The co-accused/A-1 to A-4 cut down the Rose Wood trees from the reserve forest and cut down into pieces in the petitioner's Saw Mill. Hence the complaint.

3. Heard the learned counsel appearing for the petitioner and Government Advocate (criminal side).



4. The learned counsel appearing for the petitioner would submit that he is innocent and he has not committed an offence as alleged by the prosecution and he is a senior citizen who is aged about 67 years. He would further submit that he is having proper license for running Saw Mill and there is no allegations against the petitioner.

5.The learned Government Advocate(criminal side) appearing for the respondent, on instructions, submitted that the petitioner is the owner of Saw-Mill and A-1 to A-4 said to have cut the Rose wood in the reserve forest and the same were cut into pieces in the petitioner's Saw mill. He further submitted that the co-accused already arrested and remanded into judicial custody and the properties were recovered.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is only a owner of the Saw Mill where the stolen tree was cut into pieces and other co-accused were arrested and remanded into judicial custody, the petitioner is a senior citizen and the properties were recovered and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif Cum Judicial Magistrate, Shenkottah, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum 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 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 on every Monday at 10.00a.m., without fail 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 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. Inose Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
04/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SHENKOTTAH.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE FOREST RANGE OFFICER,
COURTALLAM AND SHENCOTTAH,
TENKASI DISTRICT.

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

+1 CC to M/s.F.X.EUGENE, Advocate (SR-5898[I] dated 05/08/2020)

ORDER
IN
CRL OP(MD) No.8026 of 2020
Date :04/08/2020

ksa
JM/JC/SAR 3/07.08.2020/3P/6C