



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

Wednesday, the Twenty Third day of September Two Thousand Twenty

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.10182 of 2020

K.MANOCHARAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME No. 485/2020)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.VEERA KATHIRAVAN, Senior Counsel for
M/S.VEERA ASSOCIATES

For Respondent : Mr.A.ROBINSON,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, an Engineering Graduate, apprehending arrest at the hands of the respondent Police for the offence under Section 379 IPC, in connection with the case in Crime No.485 of 2020, has filed this petition seeking anticipatory bail.

2. The case in Crime No.485 of 2020 came to be registered by the respondent Police, based on the complaint of the Tahsildar, Tirupathur. According to the complaint, the petitioner, under the guise of cutting and removing two parched Neem trees, has removed ten other trees from the premises of Thirupathur Panchayat Union Office, thereby, committed the offence.

3. The learned Senior Counsel representing the learned Counsel on record for the petitioner submits that the petitioner is an Engineering Graduate. He has duly participated in the public action, won the same and was awarded with the contract for cutting and removing the trees in the Office of Panchayat Union, Thirupathur. He has also paid the tender amount of Rs.47,400/-, along with GST. He has not removed the other trees, as alleged by the prosecution and



due to some political vendetta, he has been foisted with this false complaint.

4. The learned Government Advocate (Crl. Side) submits that the Block Development Officer, Thirupathur, in order to remove two parched Neem trees from the premises of the Panchayat Union Office, Thirupathur, called for a tender on 21.08.2020. The petitioner has participated in the tender process on 28.08.2020 and obtained the tender for removing the two parched Neem trees for a sum of Rs.47,400/-. But, taking advantage of the same, he has also removed ten other trees from the premises, thereby, committed the offence.

5. This Court considered the rival submissions made by the learned Counsel on either side and also perused the materials placed on record.

6. The license was granted to the petitioner by the Commissioner, Tirupathur Panchayat, on 28.08.2020, with a specific condition that two parched Neem trees alone have to be removed. This condition is incorporated as a tender condition in the tender notification dated 21.08.2020 itself. The petitioner, knowing the condition, participated in the tender process and took the tender for a sum of Rs.47,400/-, but, is said to have removed ten other trees to the tune of Rs.1,60,000/-.

7. Though this Court is not inclined to grant anticipatory bail, since the learned Senior Counsel has come forward to deposit a sum of Rs.1,00,000/- to the credit of the Crime No.485 of 2020 to show the *bona fide* of the petitioner and considering the fact that the petitioner is an Engineering Graduate and that he took the tender by depositing a sum of Rs.47,400/-, this Court is inclined to grant anticipatory bail.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate, Tirupathur, 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 learned Judicial Magistrate and on further conditions that:-

[a] the petitioner shall deposit a sum of Rs.1,00,000/- before the learned Judicial Magistrate, Tirupathur, to the credit of Crime No.485 of 2020.

[b] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

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



[e] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[f] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
23/09/2020

/ TRUE COPY /

/ /2020
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 JUDICIAL MAGISTRATE,
TIRUPATHUR,
SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.VEERA ASSOCIATES, (SR-6611[I] dated 24/09/2020)

ORDER
IN
CRL OP(MD) No.10182 of 2020
Date :23/09/2020

GK

TE/VR/SAR-II : 25/09/2020 : 3P/6C