



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

Date : 12/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11015 of 2020

1. Ravichandran
2. Ramachandran ... Petitioners/Accused A1 & A2

Vs

State rep.by
The Ranger Officer,
Srivilliputtur Forest Range, Virudhunagar.
In STOR No. 1/2020. ... Respondent/Complainant

For Petitioners : Mr.P.Muthusamy,
Advocate.

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

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

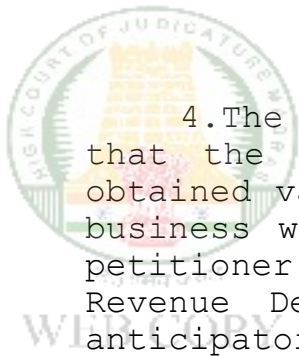
PRAYER :- To enlarge the petitioners on bail in the event of their arrest in connection with STOR No. 1/2020 on the file of respondent and thus render justice.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 & A-2 apprehending arrest at the hands of the respondent herein for the offences punishable under Rule 13 of Tamil Nadu Regulation of Wood Based Industries Rules 2010 and Section 35(B) of Tamil Nadu Forest Act 1882 in STOR No.1 of 2020, on the file of the respondent, seek anticipatory bail.

2.The case of the prosecution is that on inspection the respondent has found that the premises of Sri Ram Saw-Mill owned by the first petitioner and found that illegal possession of 92 Teak timbers stored without having Form 2 License under the T.N. Timber Transit Rules 1968. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that the first petitioner is owner of the saw-mill and he has obtained valid license from the concerned authorities and running a business without any remarks. He further submitted that the second petitioner is a farmer and he has also obtained permission from the Revenue Department for cutting the Teak woods. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the timbers were confiscated by the respondent herein.

6.Considering the fact and circumstances of the case and considering the fact that the timbers were confiscated by the respondent, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on 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]; and;



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

sd/-
12/10/2020

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WEB 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 NO.II,
SRIVILLIPUTHUR.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE RANGER OFFICER,
SRIVILLIPUTTUR FOREST RANGE, VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11015 of 2020
Date :12/10/2020

KSA
AE/VR/SAR-III (14.10.2020) 3P 5C