

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.1187 of 2021

1 MANJUNATH
2 VADINEDAPPA
3 SRINIVASAN

[PETITIONERS / ACCUSED]

Vs

STATE BY,
THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.
CR NO.750 OF 2020.

[RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.750 of 2020 on the file of the respondent police for the alleged offence u/s 341, 353, 294(b), 352, 379 and 506(2) of IPC of IPC, seek anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioners are A1 to A3. The de facto complainant is a Forester, Shoolagiri Section, Rayakottai Range, Hosur Division. The allegation is that the petitioners were found transporting granite stones in a lorry bearing Regn. TN 23 AL 2599 through a reserved forest, without permit and license to carry the same and when the forester required the petitioners to report to the Forest Ranger, the petitioners quarrelled with the de facto complainant, attacked him and took away the lorry forcibly from the place of occurrence. Hence, a complaint came to be filed on the basis of which, the case has been registered against the petitioners who are owner, driver and cleaner respectively.

4. The learned counsel for the petitioners submitted that petitioners had transported granite stones with valid permit and documents. However, when the petitioner had refused to meet out the illegal demands of the department officials, a false complaint was given implicating the petitioner.

5. The learned Public Prosecutor strongly opposed the petition for anticipatory bail reiterating the allegations in the first information report.

6. A perusal of the available records would prima facie show that the dispute arose when the forest officials insisted on permit to carry the stones through a reserved forest. Considering the facts and circumstances of the case and also the fact there is no bad antecedents reported as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) 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 from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Krishnagiri, Krishnagiri District, on each of them executing 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 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:

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks as and thereafter as and when required by the police for interrogation.

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

[e] the petitioners 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 petitioners have been released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-
04/03/2021

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,
KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

+1CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR NO.2818

CRL OP.1187/2021

Date :04/03/2021

MK:11/03/2021

WEB COPY