

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2027 of 2021

1. Ramesh
2. Moorthi

... Petitioners

Vs.

State Rep by
Forest Range Officer,
Nelivasal Division,
Singarapettai Forest,
Krishnagiri District.
STROR No.1 of 2020

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on Anticipatory bail in the event of arrest in connection with STROR No.1 of 2020 on the file of the respondent police

For Petitioners : Mr.M. Vinod

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 3,4,5 (a & b) and 6 of Tamil Nadu Rosewood Trees (Conservation) Act-1994 and Sections 3, 3(1), and 7 of Tamil Nadu Hills Areas (Preservation of Trees) Act-1955 in STROR No. 1 of 2020 on the file of the respondent, seek anticipatory bail.

2. Totally there are 3 accused in this case and the petitioners herein are A2 and A3. The case of the prosecution as per the defacto complainant / Udaya Kumar, who is Forest Guard is that while he was conducting inspection in the village he had seen the petitioners have cutting down the rosewood trees without any permission and also trying to transport the same. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case. He would further submit that the land belongs to A1 in this case and he only instructed the petitioners to cut down the trees. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioner without any permission was cutting down the Rose wood trees and trying to transport them. Hence, he vehemently opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also of the fact that that A1 is the owner of the land and he only instructed the petitioners to cut down the trees, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 made ready, before the Judicial Magistrate No.II, Thirupathur on condition that the petitioners shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix thier 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 and thereafter as and when required for interrogation.

[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.K.Shaji vs. State of Kerala[(2005)AIR SCW 5560].

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

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

-sd/-

09/02/2021

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, THIRUPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER,
NELIVASAL DIVISION, SINGARAPETTAI FOREST,
KRISHNAGIRI DISTRICT.

4 THE FOREST RANGE OFFICER,
NELIVASAL DIVISION, SINGARAPETTAI FOREST,
KRISHNAGIRI DISTRICT.

CC to M/S M.VINOTH Advocate on payment of necessary charges
Sr.1541

CRL OP.2027/2021

Date :09/02/2021

RVR 19/02/2021



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