

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2951 of 2021

Aravind @ Aravinth

... Petitioner

Vs.

The State Rep. by
Forest Range Officer,
Gummidipoondi Forest Range,
Madharpakkam,
Tiruvallur District.
(STOR No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in STOR No.1 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. C.Mohanraj

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 15.01.2021 for the offence punishable under Section 35(b) & 35(B) of Tamil Nadu Forest Act (V Act), 1882 & Section 9 & 10 of Tamil Nadu Timber Transit Rues, 1968 & Section 2(2), 9, 39(b), 44, 48(A), 49(B), 50 & 51 of Tamil Nadu Wild Life Protection Act, 1972 in STOR No.1 of 2021, seeks bail.

2. Totally there are two accused and the petitioner is A2. The case of the prosecution is that on 15.01.2021, at about 5.30 a.m., based on the secret information, the respondent police inspected the residence of the petitioner, wherein 270 Kgs of Rosewoods wooden logs 13 numbers and Panagolin Manis Crassicaudata about 19.300 Kilograms and other items, worth about Rs.2,75,000/- were illegally kept by A1. Hence, a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and he has been falsely implicated in this case. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is found in possession of Rosewoods Wooden logs worth about Rs.2,75,000/- and case properties were recovered and there is no previous case pending as against the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and also the fact that entire case properties have been recovered and also the fact that no previous case is pending as against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.II, Tiruvallur District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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

-sd/-
17/02/2021

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,
THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER,
GUMMIDIPOONDI FOREST RANGE,
MADHARPAKKAM, TIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges SR NO. 1785

WEB COPY

CRL OP.2951/2021

Date :17/02/2021

MN-18/02/2021