

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4851 of 2021

1 G.GUNASEKARAN [PETITIONERS / ACCUSED]
2 PALANIVEL
3 RAJENDIRAN
4 MANICKAM
5 SINRAJ
6 KANDASAMY
7 PALANIVEL
8 RAJA
9 KUMAR
10 K.PARTHIBAN
11 G.SURESH KUMAR
12 PARAMSIVAM

THE FOREST RANGE OFFICER [RESPONDENT]
ATTUR FOREST RANGE,
ATTUR,
SALEM DISTRICT.
CRIME NO.62 OF 2021.

For Petitioner : M/S.KARAN AND UDAY 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 petitioners, who apprehend arrest for the alleged offences under Act V 21(a), 9(d), (e), (f) and (g) and Section 51 of Tamil Nadu Forest Act 1882 and Section 9 r/w 2(16), (b), (c) and 51 of Wild life protection Act, 1972 in Crime No.62 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have formed a road in the reserve forest without proper permission and when the forest officer tried to prevent them, they opposed the forest officer and abused him. Hence the case came to be registered.

3.The learned counsel for the petitioners would submit that as there is no road in the reserve forest, the petitioner only cleaned the existing path way and formed the road and they have been implicated in this case. He would further submit that already this Court has granted anticipatory bail to the petitioners 1 to 9 in Crl.O.P.No.4610 of 2021 dated 09.03.2020 in Crime No. 15 of 2021 and the petitioners 10 to 12 are only JCB Drivers. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners formed a road in the reserve forest without proper permission from the concerned authorities and when the same was questioned by the forest officer they abused him with unparliamentary words. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the fact that the petitioners only cleaned the road in the Reserve forest, apart from that there is no serious allegation against the petitioners and this Court has granted anticipatory bail to the petitioners 1 to 9 in Crl.O.P.No.4610 of 2021 in Crime No. 15 of 2021, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed 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.1, Attur Salem District, 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 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 petitioners and the sureties shall affix his 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 as and 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]**.

[f] 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/-

16/03/2021

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.I, ATTUR SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER
ATTUR FOREST RANGE,
ATTUR,
SALEM DISTRICT.

+1 CC to M/S.KARAN AND UDAY Advocate on payment of necessary charges SR.NO.3594

CRL OP.4851/2021

Date :16/03/2021

TA-29/03/2021