

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6726 of 2021

M.MUNUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE FOREST RANGE OFFICER,
DENKANIKOTTAI,
KRISHNAGIRI DISTRICT,
HOSUR FOREST DIVISION.
F.R.O.NO.64/2021

[RESPONDENT]

For Petitioner : M/S V.ELANGO VAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 2, 21(d), (e), (f), (g), 50(d) of Tamil Nadu Forest Act 1882 and Section 27, 29 of Wild Life Protection Act in F.R.O No.64 of 2021, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that on 22.03.2021, the petitioner along with another accused trespassed into the reserve forest limit at Periyannur Village, Panchappalli Panchayat, Denkanikottai, and attempted to construct a temple, without any permission from the respondent.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. The learned counsel, on instructions submitted that the petitioner will

not enter the reserve forest in future. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner and another accused entered into the reserve forest and attempted to construct a temple without obtaining any permission from the respondent. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned District Munsif-cum- Judicial Magistrate No.I, Denkanikottai, on condition that the petitioner 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 and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 at 10.30 a.m for a period of two weeks 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]; and;

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

-sd/-
27/04/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.I,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
HOSUR [FOR INFORMATION].

3 THE FOREST RANGE OFFICER,
DENKANIKOTTAI, KRISHNAGIRI DISTRICT, HOSUR
FOREST DIVISION.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S V.ELANGO VAN Advocate on payment of necessary charges

CRL OP.6726/2021

Date :27/04/2021

WEB COPY

MN-29/06/2021