

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.OP.No.9685 of 2021

M. Rajesh

... Petitioner

Vs.

State rep.by
The Inspector of Police
Forest Department
Salem District
(UDSTOR No.3 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in UDSTOR No.3 of 2020 on the file of the respondent police.

For Petitioner : Mr.R. Parthiban

For Respondent : Mr.A. Damodaran
Government Advocate (Crl. side)

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Tamil Nadu Forest 5th Act Section 21 (d,e,f) r/w Thick traffic rule Section 35, 36, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/1st accused, along with the other accused, was found illegally cutting and transporting the trees and the accused persons escaped from the scene of occurrence and the vehicle was seized. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a collie worker and he did not commit the offence and has been falsely implicated in this case and all the accused were already granted bail and further submitted that the petitioner is ready to comply with the conditions that may be imposed

by this Hon'ble Court and prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner, along with the other accused, was illegally found cutting and transporting the trees and further submits that there is one previous case against the petitioner and opposed to grant of Anticipatory Bail to the petitioner.

5. This Court is of the opinion that the petitioner to be directed to deposit a sum of Rs.10,000/- (Rupees ten Thousand only) as non-refundable deposit to the credit of the District Legal Service Authority, Salem, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten Thousand only) as non refundable deposit to the credit of the District Legal Service Authority, Salem, within a period of four weeks from the date of normal functioning of the Court below and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Principal District Court, Salem, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of the District Legal Service Authority, Salem, and shall produce the said receipt before the Court below.

[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 tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 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].

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

-sd/-

27/05/2021

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 PRINCIPAL DISTRICT COURT,
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
FOREST DEPARTMENT,
SALEM DISTRICT.

4 THE DISTRICT LEGAL SERVICES AUTHORITY,
SALEM.

5 THE SECRETARY
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

CC to M/S.R.PARTHIBAN Advocate on payment of necessary charges

CRL OP.9685/2021

Date :27/05/2021

cs 08/07/2021