

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10515 of 2021

T.Govindaraj

.. Petitioner

-Vs-

The State Rep. by
The Forest Range Officer,
Harur Forest Range,
Harur, Dharmapuri District.
STOR. No.1 of 2020

.. Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of arrest in STOR. No.1 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.A.Gopinath
Government Advocate
(Criminal Side)

O R D E R

The petitioner, who apprehends arrest at the hands of respondent police for an offence under Section 21(d), (e) and (f) of Tamil Nadu Forest Act (Tamil Nadu Act No.5 of 1882) and Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 in STOR. No.1 of 2020 on the file of the respondent police, seeks Anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons trespassed into the forest and stolen the teakwood trees on 31.10.2020.

3.The learned counsel appearing for the petitioner submit that the petitioner has not been committed any offence as alleged by the prosecution and a false case has been lodged against the petitioner. However, on instructions, the learned counsel would submit that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/-. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submitted that the petitioner along with other accused persons trespassed into the forest and stolen two tonnes of teakwood trees on 31.10.2020 worth about

5. Considering the facts and circumstances of the case and the submissions made by either side, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate, Harur 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 make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of the District Forest Officer, Harur Forest Range, Harur, Dharmapuri District, for the purpose of plantation and to provide drinking water facility to the wild animals in Harur Forest Range, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(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 petitioners 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;

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

-sd/-
17/06/2021

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,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE FOREST RANGE OFFICER,
HARUR FOREST RANGE,
HARUR, DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT FOREST OFFICER,
HARUR FOREST RANGE,
HARUR, DHARMAPURI DISTRICT.

+1CC to M/S.J.PRADEEP Advocate on payment of necessary charges
SR NO.6659

CRL OP.10515/2021

Date :17/06/2021

MK:08/07/2021