



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13890 of 2021

PERIYASAMI

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP THROUGH,
THE RANGE OFFICER,
DENKANIKOTTAI RANGE,
DENKANIKOTTAI.
(O.R.NO.181/2019)

For Petitioner : M/S.B.ARAVINTHAN Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 2, 21(d)(e)(f), 21(2) and 51 of TNF Act and Sections 27 and 29 of WL(P) Act in O.R.No.181 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have unlawfully entered into the reserved forest area and cut down seven vengai trees.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, the learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.25,000/- to the respondent for planting saplings of country trees in the reserved forest area.

4.The learned Government Advocate (Crl. Side) submitted that there is no previous case as against the petitioner.

5.Considering the fact that the petitioner is ready to deposit a sum of Rs.25,000/- to the respondent for planting saplings of country trees in the reserved forest area, 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 District Munsif cum Judicial Magistrate, 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 shall make a non-refundable deposit of a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) by way of demand draft drawn in favour of the respondent, to enable the respondent to use the aforesaid amount for the purpose of planting saplings of different country trees in the reserve forest area. The challan/receipt of such payment shall be produced at the time of executing the bond. On such deposit being made, the respondent shall use the same for the purpose of planting saplings of different country trees in the reserve forest area and after such work is completed shall submit proof for the same before the concerned District Forest Officer;

(b) 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;

(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]***; and;



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

WEB COPY

-sd/-
11/08/2021

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, DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE RANGE OFFICER,
DENKANIKOTTAI RANGE,
DENKANIKOTTAI.

5 THE DISTRICT FOREST OFFICER,
DHARMAPURI.

+1 CC to M/S.B.ARAVINTHAN Advocate on payment of necessary charges SR.NO.8456

CRL OP.13890/2021

Date :11/08/2021

TA-16/08/2021