



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18048 of 2021

BOOPATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
FOREST RANGE OFFICER,
ARCOT FOREST UNIT,
ARCOT TALUK,
RANIPET DISTRICT.
(STORE NO.6/2021)

[RESPONDENT]

For Petitioner : M/S S.P.ARTHI Advocate

For Respondent : MR. 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 apprehends arrest for the alleged offence under Sections 5(2) and 21(d) (e) (f) and 21(1) (a) (b) and Section 35 and 35B of Tamil Nadu Forest Act 1882 in Store No.6 of 2021 on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused person were caught by the Forest Range Officer while cutting Red sandal wood of worth about Rs.12,94,000/-. Hence the case has been registered against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, on his own volition is ready to deposit a sum of Rs.50,000/- to the District Forest Officer for the improvement of green cover areas that may be imposed by this Court.



4.The learned Government Advocate submitted that the red sandal wood were recovered by the respondent. He further submitted that the petitioner along with other accused person were found in illegal possession of Red sandal wood of worth about Rs.12,94,000/-. Hence he opposed to grant anticipatory bail to the petitioner.

7.Considering the facts and circumstances of the case and also the property was recovered from the petitioner, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

8.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-I, Arcot, 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 or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) through demand draft to the credit of the District Forest Officer, Arcot, for the improvement of green cover areas, without prejudice to their 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 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;

(d)the petitioner shall report before the respondent daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

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

-sd/-
01/10/2021

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-I,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
FOREST RANGE OFFICER,
ARCOT FOREST UNIT,
ARCOT TALUK,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE DISTRICT FOREST OFFICER,
ARCOT, RANIPET DISTRICT.

+1 CC to M/S S.P.ARTHI Advocate on payment of necessary charges
SR.NO.10982

CRL OP.18048/2021

Date :01/10/2021

INBA-12/10/2021