



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

Tuesday, the Twelfth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19329 of 2021

MANIVANNAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.
CR.NO.761/2021.

[RESPONDENT]

For Petitioner : M/S. S.KARTIK Advocate

For Respondent : MR. L.BASKARAN, 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 at the hands of the respondent police for the alleged offence under Section 379 of I.P.C in Crime No.761 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The Village Administrative Officer is the de-facto complainant. The petitioner is arrayed as A1. The case of the prosecution is that the petitioner along with other accused had cut and removed the tamarind tree and transported the same illegally, which resulted in registration of the case.

3. The learned counsel for the petitioner submitted that the petitioner had cut and removed the tamarind tree, which was deleteriously standing near the building, based on the oral instructions given by the Revenue Officials and it may also cause havoc to the building due to the rainy season. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl.Side) submits that the petitioner had transported the tree illegally and thereby committed theft. Therefore, the petitioner may be granted anticipatory bail by imposing costs for causing loss to the Government by cutting tree.

5. Considering the facts and circumstances of the case and the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the concerned District Forest Officer, this Court is inclined to grant anticipatory bail to the petitioner with stringent condition.

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 Munsif-Cum-Judicial Magistrate, Kunnam, Perambalur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties 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 Rs.5,000/- (Rupees five Thousand only) to the credit of the District Forest Officer, Perambalur District, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgment, shall accept the sureties furnished by the petitioners;

(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. until further orders;

(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.

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-sd/-
12/10/2021

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 MUNSIF - CUM- JUDICIAL MAGISTRATE,
KUNNAM, PERAMBALUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE DISTRICT FOREST OFFICER,
PERAMBALUR DISTRICT.

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

CRL OP.19329/2021

Date :12/10/2021

INBA-18/10/2021