

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.21057 of 2020

1.P.Devan
2.C.Govindan

... Petitioners

Vs.

The State Rep. by
The Forest Range Officer
Jamunamarathur Forest Range Office
Thiruvannamalai District
Crime No.STOR No.1 of 2020.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest, in Crime No.STOR No.1 of 2020 on the file of the Respondent.

For Petitioners : Mr. S.B.Viswanathan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21(d) (e) &(f), 35(b), 56-B of the Tamil Nadu Forest Act, 1882 (Act V of 1882) and Sections 3, 4, 6 and 2 (4) of the Tamil Nadu Rosewood Trees (Conservation) Act, 1994 as amended by Tamil Nadu Act 1 of 1995, in Crime No.STOR No.1 2020, seek anticipatory bail.

2. There are totally four accused in this case and the petitioners are A4 and A5. The allegation is that the petitioners along with other two accused trespassed into Reserve Forest Area, uprooted Rosewood Trees, and after cutting those Trees into Timber, transported the same without any pass from the Forest Department. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. The other two accused have been arrested and later,

released on bail Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioners along with other two accused trespassed into Reserve Forest Area, and after cutting Rose Wood Trees into Timber, transported the same without any pass from the Forest Department. The other two accused have been arrested and released on bail. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the similarly placed co-accused have been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Polur, on condition that the petitioner shall execute a separate 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police daily at 10.30 a.m until further orders.

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioners 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
27/01/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER,
JAMUNAMARATHUR FOREST RANGE OFFICE,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.920

CRL OP.21057/2020

सत्यमेव जयते Date :27/01/2021

TA-02/02/2021

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