

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20902 of 2020

Kali

... Petitioner/Accused-2

-Vs-

The State Rep. by
Forest Range Officer,
Singarapettai Forest Range,
Krishnagiri District.
Report No.2 of 2020. ... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner's Anticipatory bail in the event of his arrest in Report No.2 of 2020, pending investigation on the file of the respondent.

For Petitioner : Mr.S.Paul Gnanamuthu

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3, 4, 5 (a&b) and 6 of Tamil Nadu Rosewood Trees (Conservation) Act-1994 and Sections 3, 3(1) and 7 of Tamil Nadu Hills Areas (Preservation of Trees) Act-1955, in Report No.2 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The petitioner is arrayed as A2. The case of the prosecution is that the petitioner/A2 and along with two others found in possession of 9 logs of Rosewood Trees worth of Rs.80,000/-, which they have cut and carried away, without any permission from the department. Hence, a complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner never indulged in any such offence as alleged by the prosecution. He would submit that A1 has been granted anticipatory bail in Crl.OP.No.19776 of 2020 dated 05.01.2021. He further submitted that the petitioner is prepared to pay some amount as a condition precedent for granting anticipatory bail. Accordingly, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is one of the accused in this case. Without having any permission, he transported Rosewood Trees illegally which was worth about Rs.80,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. In order to curb the illegal activities and taking into consideration of the voluntary submission made by the petitioner offering to donate/pay some amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the "Anbukarangal, 1/216, Vivakanandar Street, Kottivakkam, Chennai-41 A/c.No.10398221091, IFSC:SBIN0010516". It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

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 on which the order copy was made ready, before the Learned Judicial Magistrate Court-II, Tirupattur, 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the "Anbukarangal, 1/216, Vivakanandar Street, Kottivakkam, Chennai-41 A/c.No.10398221091, IFSC:SBIN0010516"

(b) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] 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.

[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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/01/2021

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,
NO.II, TIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 FOREST RANGE OFFICER,
SINGARAPETTAI FOREST RANGE,
KRISHNAGIRI DISTRICT.

5 ANBUKARANGAL,
1/216, VIVAKANANDAR STREET,
KOTTIVAKKAM, CHENNAI-41
A/C.NO.10398221091, IFSC:SBIN0010516

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

CRL OP.20902/2020

Date :06/01/2021

RVR 02/02/2021