



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23109 of 2021

1. V.Jeyachandran
2. D.Vellaian
3. J.Anjala
4. V.Poongodi
5. A.Vellachi

... Petitioners

Versus

The State
Rep by the Forest Range Officer,
Santhavasal Forest Range Office,
Thiruvannamalai District.
(Crime No.STOR No.3 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.STOR No.3 of 2021 pending investigation on the file of the respondent police.

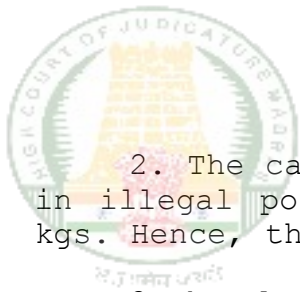
For Petitioners : Mr.S.B.Viswanathan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)
[CRL.O.P.No.23109/2021]

MR.A.Gokulakrishnan,
Additional public Prosecutor
[CRL.M.P.No.14363/2021]

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections **(*)21 (d) (e) (f) and 36 A & E of Tamil Nadu Forest Act, 1882** in Crime No.STOR No.3 of 2021, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the petitioners were found in illegal possession of 12 sandalwood logs totally weighing 31.600 kgs. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioners and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 of receipt of a copy of this order, before the Special Judicial Magistrate's Court, Thiruppathur, on condition that the petitioners 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 and on further condition that:

(a) if the petitioners fail 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 petitioners 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 petitioners 1 and 2 shall report before the respondent police on every Wednesday and Sunday at 10.30 a.m., until further orders and the petitioners 3 to 5 shall report before the respondent police as and when required for interrogation.

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



(e) the petitioners 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 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]; and;

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

-sd/-
03/12/2021

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.

(*) AMENDED AS PER ORDER OF THIS COURT DATED 04.01.2022 MADE IN CRL.MP.No.14363 OF 2021 IN CRL.O.P.No.23109 OF 2021

TO

1 THE SPECIAL JUDICIAL MAGISTRATE,
THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE FOREST RANGE OFFICER,
SANTHAVASAL FOREST RANGE OFFICE,
THIRUVANNAMALAI DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.B.VISWANATHAN
charges SR.NO. 96

Advocate on payment of necessary

CRL OP.23109/2021

Date :03/12/2021

JPA 13/12/2021

JPA 12/01/2022