



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1190 of 2021

Kalaivani

... Petitioner/Accused(Sole)

Vs

The State rep.by,
The Forest Ranger,
Forest Range Office,
Srivilliputhur,
Virudhunagar District.
S.W.O.R.No.01 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Muthusaravanan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

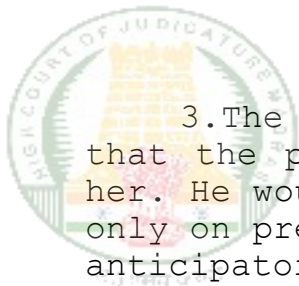
PRAYER :-

To enlarge the petitioner on bail in the event of her arrest in S.W.O.R No.205 of 2020 ,on the file of the respondent and pass such other or further orders.

ORDER : The Court made the following order :-

The petitioner/ accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 36(A) of Tamil Nadu Forest Act 1882(Act.No.V) r/w.Rules 3(1), 4(1) and 3 of Tamil Nadu Sandalwood Possession Rules 1970, punishable under Section 36 E of Tamil Nadu Forest Act 1882 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information the Assistant Forest Range Officer, Forest Protection Force on 17.12.2020 at 12.30 p.m along with his officials conducted a search in S.No.1526/3 in patta No.801 of Venkateswarapuram Village, Srivilliputhur Taluk, Virudhunagar District and seized 62 pieces of sandal wood, 24 pieces of sandalwood roots weighing 364.450 kgs and rootlets weighing 18 kgs totally 382.45 ks and the same has been seized in Form 90 under " H" Namuma No. 0017328 from the above building. Hence the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted her. He would also submit that the petitioner was arrayed as accused only on presumption and the land is not owned by her, hence he seeks anticipatory bail.

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4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that petitioner was found in illegal possession of 62 pieces of sandal wood, 24 pieces of sandalwood roots weighing 364.450 kgs and rootlets weighing 18 kgs totally 382.45 ks and the same has been seized in Form 90 under " H" Namuma No. 0017328 from the above building. He would also submit that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner and also the fact that the property has been seized, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.75,000/- (Rupees Seventy Five thousand only) to V.V.Vanniaperumal Anbu Illam, 101, Aruppukottai Road, Virudhunagar- 626001 without prejudice his rights and contentions before the trial Court. The petitioner shall produce the payment receipt while executing sureties. On acknowledgment of the same the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur , 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 Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

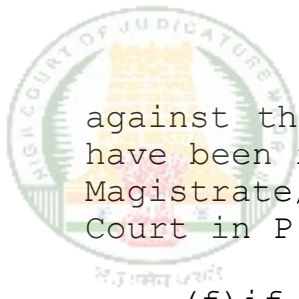
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)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 for interrogation.

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

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

(e)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;

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

sd/-
08/03/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3.THE FOREST RANGER,
FOREST RANGE OFFICE, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE OFFICER INCHARGE, V.V.VANNIAPERUMAL ANBU ILLAM,
101, ARUPPUKOTTAI ROAD, VIRUDHUNAGAR- 626001

+1. CC to Mr.C.MUTHUSARAVANAN, Advocate SR.No.1932

ORDER
IN
CRL OP(MD) No.1190 of 2021
Date :08/03/2021

AAV
PK/SMA/SAR-III/22.03.2021 : 3P/7C