



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3006 of 2021

Sathees Kumar

... Petitioner/Accused

Vs

The Forest Range Officer,
Rajapalayam Range,
Virudhunagar District.
(Ref.Misc.Or.No.1 of 2021
Dated 02.02.2021).

... Respondent/Complainant

For Petitioner : Mr.Semuel Gunasingh.P.,
Advocate.

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

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

PRAYER :-

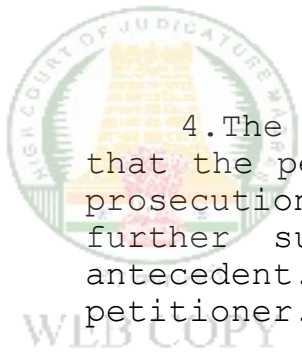
For Anticipatory Bail in (Ref.MISC.OR.No.1 of 2021 dated 02.02.2021) on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 27, 29, 39, 50, 51 and 52 of Wild Life Protection Act, 1973 and under Section 21(d)(f)(g) of Tamil Nadu Forest Act-V, 1882, in MISC.OR.No.1 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was said to have illegally transported one unit of sand in the reserved forest area. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is not having any bad antecedent. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending against the petitioner.

6.On perusal of the materials available on records, it is seen that the petitioner was found in illegal transportation of one unit of sand in the reserved forest area, Sattur. The petitioner ran away from the scene of occurrence by leaving tractor. It is also seen that the sand was transported for construction of a Toilet, bath room and not for commercial purpose. The petitioner is residing in nearby forest area. He is having two female children and aged about four and two years old.

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

8.Accordingly, the petitioner shall draw a demand draft in favour of Dean, Government Hospital, Virudhunagar District, for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Hospital, Virudhunagar District, 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, Rajapalayam, Virudhunagar District, 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 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/-

01.04.2021

/ TRUE COPY /

/ /2021

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

vsg

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, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
3. THE FOREST RANGE OFFICER,
RAJAPALAYAM RANGE,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN,
GOVERNMENT HOSPITAL,
VIRUDHUNAGAR DISTRICT.

ORDER
IN

CRL OP (MD) No.3006 of 2021
Date : 01/04/2021