



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.6948 of 2021

1.Thangavelu

2.Palaniandi

... Petitioners/Accused No.1&2

Vs

The State rep.by,  
The Inspector of Police,  
Siruganur Police Station,  
Trichy.  
(Crime No. 297/2021)

... Respondent/Complainant

For Petitioners : Mr.K.Navaneetha Raja  
for M/s.R.Arun Sannasi

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.297 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC, in Crime No.297 of 2021, seek anticipatory bail.

2.The prosecution case is that the second petitioner, at the instigation of the first petitioner, who is the Village President, had cut down Karuvella trees situated in the village water tank without any permission. Hence, the complaint.

3.Learned Counsel for the petitioners submitted that the second

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petitioner is no more and therefore, nothing survives for further adjudication insofar as the second petitioner is concerned.

4. Insofar as the first petitioner is concerned, the learned Counsel submitted that the first petitioner is the Village President. The defacto complainant, Forest Ranger, using his official power, had detained the petitioners in illegal custody and attacked them. In this regard, the second petitioner has lodged a complaint as against the Forest Warden and Others and the same is registered in Crime No. 296 of 2021, for the offence under Sections 294(b), 323, 324, 342 and 506(i) IPC. As a counter blast, the present complaint has been lodged as against them. The petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him. Therefore, the learned Counsel prayed for grant of anticipatory bail.

5. Learned Government Advocate (Crl. side) appearing for the respondent police submitted that the first petitioner is the Village President and on his instigation, the second petitioner has cut down Karuveta trees situated in the village water tank to the tune of Rs. 23,800/-, without any permission.

6. Considering the rival submissions made, this Court has directed the respondent police to ascertain as to whether any trees have been cut down from the water tank, as claimed by the defacto complainant and directed to file a report before this Court.

7. Accordingly, the Sub-Inspector of Police, Siruganur Police Station, Trichy District, after verification, has filed a report before this Court that Karuveta trees to the tune of Rs. 23,800/- have been cut down and removed by the second accused, on the instruction of the first accused, who happens to be the Panchayat President of the Village.

8. From the above report, it appears that the first petitioner, who is the Village President, has misused his power. Being the President of the Village Panchayat, the first petitioner is the custodian of the village properties, including the trees and he has to safeguard the same. But, using his official power, he himself has indulged in such type of offence. This is nothing but fence itself eating the farm, which is not at all permissible. Though the petitioners claim that for having lodged a complaint, the present complaint has been foisted as against them, the fact remains that Karuveta trees to the tune of Rs. 23,800/- has been cut down from the subject tank.

9. In view of the above discussions and the status of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Since the second petitioner is said to have



died, no further order is required to be passed insofar as the second petitioner is concerned.

In fine, this criminal original petition stands dismissed.

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sd/-  
06/10/2021

/ TRUE COPY /

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

gk

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 INSPECTOR OF POLICE,  
SIRUNAGAR POLICE STATION,  
TRICHY.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ARUN SANNASI, Advocate ( SR-7041[I] dated  
07/10/2021 )

ORDER  
IN  
CRL OP(MD) No.6948 of 2021  
Date :06/10/2021

RK/SKN/SAR-III (26/10/2021) 3P 3C