



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

Date : 18/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11120 of 2021

Madasamy

... Petitioner/Accused No.1

Vs

State Rep.by
The Forest Ranger,
Madurai Forest Range Office,
Madurai.
(In O.R.No.256 of 2021)

... Respondent/Complainant

For Petitioner : Mr.J.Lawrence,
Advocate.

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

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

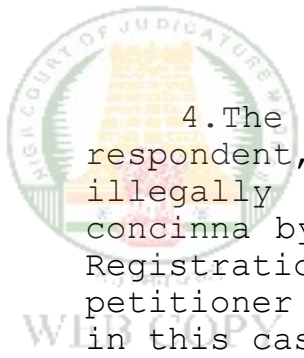
PRAYER :- For Anticipatory bail in Crime No.256 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 21(e) and 41 (1) of the Tamil Nadu Forest Act, 1882 and Sections 17 (A)a, 17(G), 17(H) and Section 29 of the Wild Life (Protection) Act, 1972, in O.R.No.256 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in possession of 45 bags of kalpassi and 3 bags of Acasia Concinna. Hence, the complaint.

3.The learned counsel for the petitioner submits that based on the confession statement of the third accused, the petitioner has been falsely implicated in this case. He further submits that petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioner has illegally transported 45 bags of kalpassi and 3 bags of acasia concinna by using Mahindra Bolero Pick-up transport vehicle bearing Registration No.TN-57-W-5196. He would further submit that the petitioner has not involved in other offence and the investigation in this case is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that this petitioner has been implicated on the confession statement of the co-accused and also the fact that the petitioner has not involved in other offences, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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 learned Magistrate concerned and on further conditions that:

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

(b)the petitioner shall report before the respondent police every Monday at 10.30 a.m and every Friday at 10.30 a.m until further orders.

(c)the petitioner shall not tamper with the 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/-
18/08/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE FOREST RANGER,
MADURAI FOREST RANGE OFFICE,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-5548[I] dated 19/08/2021)

ORDER

IN

CRL OP(MD) No.11120 of 2021

Date :18/08/2021

MSA

MS/VR/SAR-1/03.09.2021/3P.6C