



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

Date : 27/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.13833 of 2021

WEB COPY

M.Mohammed Kumayoun Kabeer

... Petitioner/Sole Accused

Vs

State rep by its
The Forester,
Mekkarai Section,
Kadayanallur Range,
Kadayanallur,
Tenkasi District.

Case.No.S.T.O.R.No.1/2021).

... Respondent/Complainant

For Petitioner : M/s.Abiya K,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
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 his arrest in connection with the case in S.T.OR.No.1/2021 on the file of the respondent forester.

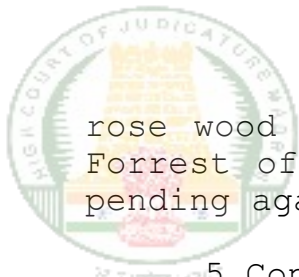
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 2, 3, 4, 6 and 10 of Tamil Nadu Rose Wood Trees(Conservation) Act, 1994 and Sections 41, 49A, 49F, 53, 54, 56B, 56C and 56D of the Tamil Nadu Forest Act, in Case No.S.T.O.R.No.1 of 2020, seeks anticipatory bail.

2. The case of the prosecution according to the defacto complainant, the Inspector of Police is that on 06.09.2021, while he was on his usual rounds, he had seen that the accused had without any permission from the Government, cut the rose wood trees. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the the petitioner is cultivating



rose wood trees and cutting the same without the permission of the Forrest officers. He would further submit that no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shencottah, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police as and when required.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
27/09/2021

/ TRUE COPY /

/ /2021

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



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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,
SHENCOTTAH, TENKASI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE FORESTER,
MEKKARAI SECTION,
KADAYANALLUR RANGE,
KADAYANALLUR, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.ABIYA, Advocate (SR-6632[I] dated 27/09/2021)

ORDER
IN
CRL OP(MD) No.13833 of 2021
Date : 27/09/2021

VB/VR/SAR-I/11.10.2021/3P/6C