



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.816 of 2022

Venkatesan @ Mayan Venkatesan

...Petitioner

Vs.

State: Rep. by
The Forest Range Officer,
Headquarters Forest Range,
Chennai.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in STOR No. 5 of 2021 on the file of The Forest Range Officer, Headquarters Forest Range, Chennai.

For Petitioner : Mr. R.Muthukumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.11.2021 for the offences under Sections 35 and 35(b) of Tamil Nadu Forest Act 1968 and Rule 9 of Timber Transit Rules, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.11.2021, while the respondent was on a regular patrol had found that the petitioner was in illegal possession of 46 numbers of Red Sanders logs worth about Rs.25,00,000/-. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case and that she has been suffering incarceration from 28.11.2021. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.50,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner was in illegal possession the petitioner was in illegal possession of 46 numbers of Red Sanders logs worth about Rs.25,00,000/- He further submits that the petitioner is having no previous cases and the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on her own volition agreed to contribute a sum of for improving the Government School, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the II Metropolitan Magistrate Court, Egmore, Chennai within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the petitioners shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of " The Chief Educational Officer, Thiruvallur District, for the rehabilitation and improvement of the basic needs of the Government Schools within 4 weeks in the said District under necessary acknowledgment without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;

(b) 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;

(c) the petitioner shall report before the respondent police station on every Tuesday and Sunday at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

7. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II METROPOLITAN MAGISTRATE
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

4 THE FOREST RANGE OFFICER,
HEAD QUARTERS FOREST RANGE,
CHENNAI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CHIEF EDUCATIONAL OFFICER,
THIRUVALLUR DISTRICT.

+1 CC to M/S. R.MUTHUKUMAR Advocate on payment of necessary
charges SR.NO.616

CRL OP.816/2022

Date :12/01/2022

RW 19/01/2022