



Crl.O.P.No.21768 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21(d)(e)(f), 35(B), 36(A), 41(1), 41(2) & 49(G) of Sandal Wood Act 1970 in Stor. No.1 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with the other accused had illegally cut the sandal wood trees from the Reserve Forest. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they are tribal people. He would further submit that A1 is the person, who had cut the trees and petitioners are unnecessarily dragged into this case since they are known to the main accused. He would submit that the first petitioner is aged about 21 years and the second petitioner is aged about 18 years and they have no bad antecedents. Further, A1 one Prakash was arrested has been released on bail in Crl.M.P.No.107 of 2022 by the learned Judicial Magistrate I Thirupathur on 14.09.2022. Therefore, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioners along with the other accused had illegally cut the sandal wood trees worth about Rs.1,87,000/- from the Reserve Forest. He would further submit that based on the confession of A1, the petitioners were arrested and the contraband has been recovered from the main accused. Further, there is no previous case pending against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also the fact that based on the confession of A1, the petitioners were arrested, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate V, Vellore, Vellore District** on condition that the petitioners 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



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satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand automatically dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police **every day at 10.30 a.m., and 5.30 pm for a period of four weeks and thereafter, every Saturday at 10.30 am until further orders.**

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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

15.09.2022

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