



CrI.O.P.No. 4776 of 2023

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A.D. JAGADISH CHANDIRA, J.

The petitioner/A10, who apprehends arrest for the alleged offences under Sections 395 IPC read with Section 36-E of Tamil Nadu Forest Act, in P.R.C.No. 28 of 2000 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with 9 other accused, had robbed sandal wood worth about Rs.85,000/- from the Godown, Villupuram Forest Office by threatening the forest officer with knife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the case is of the year 1999. The name of the petitioner is not found in the FIR and the respondent/Police has filed a final report after completion of investigation and in the final report, the name of the petitioner has been shown along with absconding accused. He would further submit that there is no previous case against the petitioner and he has been falsely implicated in this case. He would further submit that there is a case also pending against the petitioner



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before the learned Judicial Magistrate-I, Villupuram in PRC.No. 20 of 2000.

Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused had committed robbery of Sandal Wood worth about Rs.85,000/-. He would further submit that the petitioner robbed along with the absconding accused and absconding charge sheet was filed and PRC.No.20 of 2000 is pending and the learned Judge is unable to conduct trial in the Court of Sessions. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the submission of both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, 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 on which the order copy made ready, before **the Judicial Magistrate-I, Villupuram**, 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 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 dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned **Judicial Magistrate-I, Villupuram**, on all working days at 10.30 a.m. for a period of two weeks and thereafter, the date and time have to be fixed by the concerned Magistrate.

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[c] the petitioner shall not tamper with 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 absconds, a fresh FIR can be registered under Section 229A IPC.

06.03.2023

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