



Crl.O.P.Nos.21482 & 21503 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 51, 21(d), 21(e), 56(d), 56(b) of the Tamil Nadu Forest Act, in STOR No.2& 3/2023, pending on the file of respondent, seek anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated in SWOR No.2& 3/2023, registered for the offence under Sections 51, 21 (d), 21 (e), 56(d), 56(b) of the Tamil Nadu Forest Act. Thus, he prays for grant of anticipatory bail for the petitioner.

3. In response, the learned Additional Public Prosecutor submitted that, there are five accused in this case. During the course of the investigation, Investigation Officer found 8 sandalwood trees had been cut and five trunk had been stolen. All the five accused had involved in the theft. Petitioner is the fourth accused. A1 is arrested and other accused were formally arrested.



5. Considering the fact that this is the second anticipatory bail petition filed by the petitioner that the respondent had not chosen to arrest the petitioner and also considering that the stolen sandalwood and trunk had been recovered, this Court is inclined to grant anticipatory bail to the petitioner for the reason that, custodial interrogation of the petitioner is not necessary.

6. Accordingly, 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 learned District Munsif cum Judicial Magistrate at Madukkarai** on condition that the petitioner shall execute separate 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



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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 respondent police daily at 10.30.a.m., until further orders;

[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.

25.09.2023

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