



CrI.OP.No.21831 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.21831 of 2023

T.K.Manoj

...Petitioner

Vs.

The State Rep by
The Inspector of Police
Forest Range Officer,
Madukkarai Circle,
Madukkarai.
(S.T.O.R. No.4 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in S.T.O.R.No.04 of 2023 on the
file of the respondent police.

For Petitioner : Mr. L.Arulmozhi Varman

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor.



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.07.2023 for the offences punishable under Sections 35, 35-B, 36(A), 36(E), 41, 49(A), 51, 56, 56-B, 56-D of the Tamil Nadu Forest Act, Rule 3, 4 and 7 of TNSTR, 1967 and Rule 3 of TNSPR, 1970 in S.T.O.R.No.04 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner was only a driver of the vehicle bearing Reg.No.KA 16 C 1510 and he was not aware that the load contained sandalwood. Petitioner is in Judicial Custody from 31.07.2023. Till date, investigation in this case is not completed and complaint is not filed. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, respondent police received the accused and sandalwood in a vehicle bearing Reg.No. KA 16 C 1510 from Pothanur Police. On 31.07.2023, Pothanur police stopped the the vehicle bearing Reg.No.KA 16 C 1510 and conducted a search. They found the vehicle contained



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sandal woods in 57 sacs along with other objects. Subsequently, they seized the vehicle and the sandalwood. They apprehended the accused and handed over to the respondent. He further submitted that, some of the accused are absconding.

4. It is a case where petitioner is in Judicial Custody for 58 days from the date of his arrest. It appears that, investigation in this case is not completed. On completion of 60 days, petitioner is entitled for mandatory bail. Taking into consideration this aspect and seizure of sandalwood and the vehicle involved and the duration of the custody of the petitioner ie., from 31.07.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties (out of which, one surety should be from the native district of the petitioner)**, each for a like sum to the satisfaction of the **Learned District Munsif cum Judicial Magistrate,**



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Madukkarai and on further conditions that :-

[a] 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 respondent Police daily at 10.00.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

26.09.2023

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To

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1. District Munsif Cum Judicial Magistrate, Madukkarai.
2. The Inspector of Police
Forest Range Officer,
Madukkarai Circle,
Madukkarai.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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