



Crl.O.P.No.25685 of 2023

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C.V.KARTHIKEYAN, J.

In the present petition for anticipatory bail, it is stated that the offences are under Sections 21 (d) (e) (f) of Forest Act V, 1882 and Sections 41, 50 and 51 of IPC. In the affidavit, which has been filed as directed by this Court, the offences has been correctly mentioned as Sections 21 (d) (e) (f) & 41, 50 and 51 of Tamil Nadu Forest Act, 1882. In view of that particular fact, the offences can be taken as only being under Sections 21 (d) (e) (f) & 41, 50 and 51 of Tamil Nadu Forest Act, 1882. Reading that affidavit and the petition, the Registry may make necessary corrections in the petition that the offences are not under IPC, but under the Tamil Nadu Forest Act, 1882.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) on behalf of the respondent.

3.It is the contention of the respondent that the petitioner had cut one Eucalyptus tree, which was in the portion of the patta land, which is adjacent to the forest area in S.No.431 & 432, Kalluddai Village, Vellore District.



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4.In the affidavit filed, it is stated as follows:

5.I respectfully submit that I do hereby undertaking before this Hon'ble Court that I will not to be involved any illegal activities by cutting and removing trees in reserve forest area belongs to the government in future and also I will not be proceed to cut the trees in my patta land without getting permission from the competent authority. I respectfully submit that I hereby ready and willing to abide by any condition imposed by this Hon'ble Court.

5.It is also the case of the respondent that the petitioner had cut down one Eucalyptus tree. However, in view of the affidavit filed by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. A copy of the said affidavit may also be filed before the **learned Judicial Magistrate-III, Vellore, who may keep it along with the records.**

6.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 **learned Judicial**



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Magistrate-III, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 respondent Police, daily morning at 10.00 a.m. for a period of two weeks and thereafter as and when required.

[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;



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[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;

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