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CRL OP(MD).

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3681 of 2023

Basith Rahuman

... Petitioner - 2

Vs

The state rep.by
The Forest Range Officer,
Karur Forest Office,
Karur District.
S.T.O.R.No.1 of 2023

... Respondent

For Petitioner : Mr.A.Ganesan, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in S.T.O.R.No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 35B, 56 and 56B of Tamil Nadu Forest Act, Sections 9 and 10(3) of Tamil Nadu Timber Transmit Rules, Section 3 of Tamil Nadu Maintenance of Accounts in respect of schedule Timber for Industrial or Commercial Purpose Rule 1988 and Sections 3 and 4 of Tamil Nadu Timber (Movement Control) Order 1982 in STOR No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.01.2022, the forest department made a search in the jeeva metal godown belongs to one Chellapandian and they seized 21 red sanders and arrested the said Chellapandian and remanded to judicial custody on 15.01.2022. Hence, the case.



3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. There are two accused in this case and the petitioner is arrayed as A2. Even according to the case of prosecution, 21 mixed wood logs were seized from the first accused and he was arrested and subsequently, he was released on bail. Insofar as the petitioner is concerned, as per the case of the prosecution, he only purchased the wood logs from the E-auction conducted by the custom department and same was kept in the godown belong to the first accused. The petitioner is having no previous case. Therefore, the custodial interrogation of the petitioner does not required in this case.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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 Magistrate No.2, Kulithalai, 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 at 10.30 A.M. and 05.30 P.M., for a period of four weeks and thereafter, as and when required for interrogation;

[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 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 FI registered under Section 229A IPC.

sd/-
06/03/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 JUDICIAL MAGISTRATE NO.2, KULITHALAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 - 3 THE FOREST RANGE OFFICER
KARURU FOREST OFFICE, S.T.O.R NO.1 OF 2023,
KARUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to A.GANESAN Advocate SR.No.3589(I)

ORDER
IN
CRL OP(MD) No.3681 of 2023
Date :06/03/2023

VA/SAR-4/(10.03.2023)/3P/6C