



Crl.O.P.No.1276 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks anticipatory bail in Crime No.183 of 2023 registered by the respondent Police for the offences punishable under Sections 21(a),(b),(d),(e),(g),(i) of Tamil Nadu Forest Act, 1882.

2. The earlier application seeking anticipatory bail came up for consideration on 01.12.2023 in Crl.O.P.No.25880 of 2023 and this had been observed as follows:-

"One of the contention raised by the learned counsel for the petitioner is that A1 had been arrested and granted bail by the learned Judicial Magistrate, Polur in Crl.M.P.No.6298 of 2023, by an order dated 20.10.2023. A Perusal of the order of learned Judicial Magistrate shows that though the Additional Public Prosecutor had stated that investigation is at preliminary stage, without any reference, the learned Judicial Magistrate had stated that investigation has been practically completed. I am not able to understand as to how that particular conclusion was reached. A status report has been filed by the Forest Range Officer and along with that, the Map for the area had also been produced and it reveals that substantial portions of the reserved forest area have been



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encroached upon and the trees had been cut away and utilised by the petitioner as if it is his own land. Investigation will have to be done and such encroachment will have to be removed. The petitioner will have to compensate for the trees which had been cut down and the lands which had been encroached. All this aspects will have to be investigated by the respondent."

3. The significant change in circumstances is that it is now reported that the petitioner had vacated the encroached land and the land had taken in possession by the respondent.

4. It is contended by the learned counsel for the petitioner that the petitioner land is adjacent to the reserve forest and unknowingly, the encroachment had been made.

5. However, taking all those factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Polur, Tiruvannamalai District**, on condition that the petitioner shall



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execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 everyday 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 petitioners released on bail by the



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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.

12.02.2024

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