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Crl.O.P.No.21821 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21821 of 2024

1. Muhammed Mishal

2. Muhammed Abrar

3. Ummer

... Petitioners

Vs.

State represented by,
The Forest Range Officer,
Shevaroy's South Range,
Salem.
(STOR No.1/2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioners on bail, in STOR No.1 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.R.Vivekananthan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.06.2024, for the alleged offence punishable under Section 35 B, 36A, 36E, 41, 49 A, 51, 56, 56B, 56D of Tamil Nadu Forest Act, 1882, 3, 4, 7 of Tamil Nadu sandalwood Transit Rules, 1967, rule 3 (a) of Tamil Nadu Sandal Wood possession Rules, 1970 in STOR No.1 of 2024 , on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused were involved in illegal smuggling of sandalwood pieces, roots and tried to sell them. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submitted that only based on the confession statement given by the co-accused the petitioners have been implicated in this case. He would further submit that the petitioners were arrested and is in judicial custody from 06.06.2024 and is ready to abide by any conditions that may be imposed by



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this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners along with other accused were involved in illegal smuggling of sandalwood pieces, roots and tried to sell them. He further submitted that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made on both sides and the quantity of material involved in this case, there is no previous case pending against the petitioners and taking note of the fact that only based on the confession statement given by the co-accused the petitioners have been implicated in this case and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:



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7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No. VI, Salem and on further conditions that:-

[a]the petitioners shall report before the respondent police everyday at 10.30 a.m until further orders.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the Petitioners shall not abscond either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

10.09.2024

smn

To

1.The Judicial Magistrate Court No. VI, Salem

2. The Forest Range Officer,
Shevaroy's South Range,
Salem.

3.The Superintendent,
Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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