

CRL OP No.681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No.681 of 2025

1. DHANARAJAN,
S/o. Govindan

2. VARTHARAJAN,
S/o, Dhanrajan

Both are residing at
No. 1/367, Nandan Valavu,
Ramireddypatti Village,
Salem District- 636501.

Petitioners(s)

Vs.

State Rep.By,
Inspector Of Police,
Tharamangalm Police Station, Salem District.
(Crime No.517 of 2024)

Respondent(s)

For petitioners(s):

Elavarasan M R

K. Balu, V. Sivaraman, K. Sruthi, V. Tamilnailavu

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 305(e) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023, in Crime No.517 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners had cut and removed government – owned trees, viz., three punga trees and two konnai branches, worth about Rs.1,000/- from Odai Poramboke land in Ramireddipatty Village without permission. Hence, this case.

3. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no connection whatsoever to the alleged offence as alleged by the prosecution, and they have been falsely implicated. There are no previous cases pending against the petitioners. Therefore, he prays that anticipatory bail be granted to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police opposed the granting of anticipatory bail to the petitioners. He stated that the petitioners, without obtaining proper permission or intimation, they had cut and removed the branches of the trees, specifically Punga and Konnai, located on government land, valued at Rs.1,000/-. There are no



previous cases pending against them.

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5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) for the respondent and perused the materials available on record, and taking into consideration the facts and circumstances of the case and also taking note of that, the petitioners have no previous cases, this Court is inclined to grant anticipatory bail to the petitioners and accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Omalur**, on condition that the petitioners shall execute separate 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand



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automatically cancelled;

[b] the petitioners shall report before the respondent Police everyday at 10:30 A.M., for a period of two weeks and thereafter, every Saturday at 10:30 A.M., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

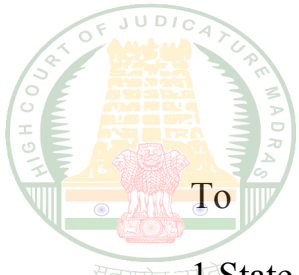
[d] the petitioners shall not abscond either during the investigation or during the trial;

[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 were 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

10.01.2025

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To
1.State Rep.By,
Inspector Of Police,
Tharamangalm Police Station, Salem District.
(Crime No.517 of 2024)



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A.D. JAGADISH CHANDIRA, J.

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