



Crl.O.P.No.16280 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16280 of 2025

1.Selvaraj
2. Dayagaram

.. Petitioners

Vs.

State rep. by
The Inspector of Police
Forest Range Officer
Gummidipoondi
STOR.No.02 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in STOR.No. 02 of 2025 on the file of the respondent .

For Petitioner : Mr.K.P.Rajendran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.05.2025, for the offence punishable under Sections 35, 35B, 56B, 56D of Tamil Nadu Forest act, 1882 and Sections 9 of Motor Vehicle Act, 1968 in STOR.No.02 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that when the respondent/Forest Range Officer was on routine check up near MA check post, they found that the petitioners were illegally transporting 52 numbers of red sandalwood in a lorry bearing registration No.TN 20 AM 5324 worth of Rs.13,00,000/- without any permit. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence, however, they are suffering incarceration from 05.05.2025. It is the contention of the petitioners that they are only driver and cleaner of the vehicle involved in the alleged offence and they were not aware that they were transporting red sandalwood and during vehicle check up, they were arrested and they have been in prison since 05.05.2025. It is their further contention that respondent has not taken any action to secure the other accused in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.



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4. Learned Additional Public Prosecutor appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that petitioners are driver and cleaner of the vehicle and they have been transporting red sandalwood from the State of Andhra Pradesh without any valid permit, intended for further smuggling. He also submitted that they were engaged by 3rd accused and the petitioners are not disclosing the identity of the owner of the lorry as well as owner of the goods. Hence, he strongly objected to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Ponneri** and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioners shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283];**



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

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

M.NIRMAL KUMAR, J.

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To

1. The learned Judicial Magistrate-II, Ponneri
2. The Inspector of Police
Forest Range Officer
Gummidipoondi
3. The Superintendent,
Central prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.

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