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CrI.O.P.No.17536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17536 of 2025

1.P.Noushad
2.P.Rayin
3.P.Rasheed

... Petitioners

Vs

The State of Tamil Nadu rep. by
The Forest Range Officer,
Cherambadi,
Nilgiris District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on
anticipatory bail in the event of their arrest by the respondent in
S.T.O.R.No.1 of 2025 on the file of the Forest Range Officer, Cherambadi.
[Crime No. amended as per order dated 25.06.2025 in CrI.O.P.No.12139 of
2025]

For Petitioners : Mr.R.C.Paul Kanagaraj
for Mr.Meiyappan Mohan
For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by Mr.M.Sylvester John



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 35(B) of Tamil Nadu Forest Act, 1882 and Sections 3(1), 3(2) and 7 of Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 in S.T.O.R.No.1 of 2025, on the file of the respondent, seek anticipatory bail.

2.The case against the petitioners is that the Forest Personnel attached to Forest Range Officer, Cherambadi received secret information that in the tea estate of the petitioners, branches of rosewood trees cut and were piled for smuggling. On receipt of information, the Forester of Cherambadi along with his team came to the tea estate on 11.06.2025 at about 11.00 a.m. for inspection and found branches cut in 18 rosewood trees, stacked and piled for smuggling. On sensing the visit of Forest Personnel, the accused left the timber there and escaped from the place. Hence, a case registered. On enquiry, it was found that the second petitioner controlling the tea estate and when he was contacted for explanation, he threatened the Forest Personnels to immediately leave the tea estate and if they attempt to take any action, he



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would file cases against the Forest Personnels. Thereafter, seizing the cut rosewoods, preparing seizure reports and finding the property stands in the name of ten persons, complaint filed.

3.The contention of the learned counsel for the petitioners is that the petitioners falsely implicated for obvious reasons. The petitioners family are approved Contractors for the Highways and Panchayat. Since politicians were demanding share in the business which was resisted by the petitioners, using the Police and Forest Personnels, false complaint lodged. He would submit that it is not in dispute that the petitioners own the tea estate of 17 acres and in the tea estate, trees are grown for providing shade and it is a delicate horticulture exercise wherein both excess heat or excess shadow is not conducive, hence depending upon the season and requirement, pruning of branches done regularly. Pruning of branches is permitted under the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955. He further submitted that in this case, any action under the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 and allied Rules, it is only on the complaint in writing of the Committee. The Committee consists of the District Collector as Chairman, jurisdictional District Forest Officer,



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Tahsildar, Executive Engineer of the Agriculture Department, Personal

Assistant to the Collector who shall be the Secretary of the Committee. In this case, none from the Committee lodged a complaint and hence, entertaining the complaint is bad in law. He would further submit that as per Section 35(B) of Tamil Nadu Forest Act, any person infringes any Rules in relation to any scheduled timber, he shall be punished with imprisonment and fine. The admitted case of the respondent is that they have found branches of rosewood piled in the tea estate to be smuggled out. Further it is only branches and not the logs and trunks of the trees.

4.The learned counsel for the petitioners further submitted that as per Proviso to Section 3(2) of Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955, pruning of any tree as required by ordinary agricultural or horticultural practices for the purpose of providing proper shade for coffee or tea is permitted. Admittedly in this case, it is the tea estate of the petitioners. Further, the photographs produced confirms pile of branches found. He further submitted that recently Government in G.O.(Ms).No.88 Environment, Climate Change and Forests (FR.4) Department dated 09.06.2025 removed the ban on cutting of rosewood. Hence, there is no



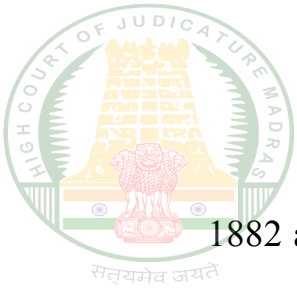
violation in pruning of trees as and when required. Further, the Forest Personnels showed excessive force, beaten the workers in the tea estate who had lodged a complaint. Hence, in a haste complaint under the Forest Act was filed by the respondent.

5.The learned Additional Public Prosecutor strongly opposed the petitioner's contention and submitted that on receipt of the secret information that 18 Nos. of Rosewood tree branches cut illegally and stacked to smuggle it out to Kerala in Survey No.1465/2, Cherangode Village-2, Pandalur Taluk, Nilgiris District. Rose wood, a valuable wood, used for making furniture, musical instrument and decorative items. He would submit that Forest Personnels from Cherambadi range, visited the estate on 11.06.2025 at about 11:00 a.m. On seeing them, the second petitioner ran away from the spot, the petitioner committed offences punishable under the provisions of the Tamil Nadu Forest Act 1882 and The Tamil Nadu Hill Area (Preservation of Trees) Act, 1955. Subsequently, rosewood tree branches around 1 metric cube seized from the scene of occurrence under the cover of seizure mahazar and intimated to the Judicial Magistrate, Pandalur and the same now kept in Forest Range Office. The



second petitioner called the respondent over the mobile phone, abused him with unparliamentary words in a threatening manner. Further, he abused the respondent by calling the name of his community as scheduled caste. Therefore, the respondent lodged a complaint to Cherambadi Police Station on 13.06.2025 and a case in Cr.No.77 of 2025, U/s.126(2), 132, 351(2) of BNS dated 13.06.2025 registered. The petitioners are the owners of the property. He would further submit that a Forest Offence case in S.T.O.R.No.1 of 2025 Cherambadi Range dated 11.06.2025 registered against the second petitioner under the section of 35(B) Tamil Nadu Forest Act 1882 and under section 3(1), 3(2), 7 of The Tamil Nadu Hill Areas (Preservation of Trees) Act 1955 and investigation is in progress to find out the role played by other accused in this offence.

6.The learned Additional Public Prosecutor further submitted that forged lease agreement produced, on verifying the lease document, the period of validity is from 20.05.2024 to 20.04.2025 i.e for 11 months only. It is clear the said unregistered lease document is not valid as on 11.06.2025. Hence, the petitioners to escape from the clutches of laws produced forged documents, despite committing offences under the Tamil Nadu Forest Act

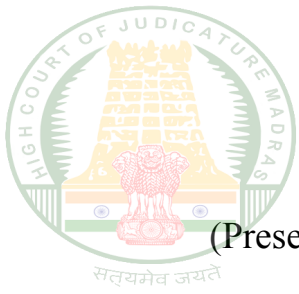


1882 and the Tamil Nadu Hill Area (Preservation of Trees) Act, 1955. The

WEB COPY forged lease agreement is anti-dated with corrections and over writing.

Therefore, there is a possibility to tamper the evidence if the petitioners are enlarged on bail and they will not cooperate with the investigation, already absconding from 11.06.2025. The petitioners/A1 to A3 custodial interrogation is necessary to find out the active role played by each of the accused. He further submitted that the second petitioner is the prime accused in this case. The gravity of the charges and the petitioners conduct proves if they are granted bail the investigation will get affected. Moreover, the above said Forest Offence S.T.O.R.No.1 of 2025 of Cherambadi Range is pending. Hence there is every possibility of the petitioners absconding is real and opposed the anticipatory bail.

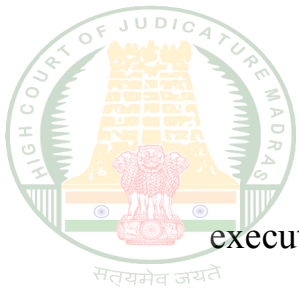
7.Considering the submissions made and on perusal of the materials, it is seen that the admitted case of the respondent is that in the tea estate of the petitioners, the branches of rosewood trees found and they were attempted to be smuggled but no details about the conveyance used for smuggling recorded. Further, Proviso to Section 3(2) of the Tamil Nadu Hill Area



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(Preservation of Trees) Act, 1955 permitted pruning in coffee and tea plantation for horticultural reasons. It is a known fact that for tea plantation, proper shade and light to be provided and it cannot be in excess. Hence, pruning is a requirement for tea estate. Further, there is no time limit prescribed for obtaining transit permit for the branches. The Government removed the ban on cutting of rosewood trees. In this case, admittedly there is no cutting of logs and trunks of the tree and it is only pruning of branches. The petitioners are approved Contractors for Highways and Panchayat is not disputed. The petitioners' contention is that there are some external pressure from the rivals cannot be ignored. Further, the learned counsel for the petitioner on instructions submit that the petitioners are ready to deposit Rs.5,00,000/- to show their bonafide to compensate if there is any violation of procedures. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Pandalur, Nilgiris District on condition that the petitioner shall



execute 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 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 fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

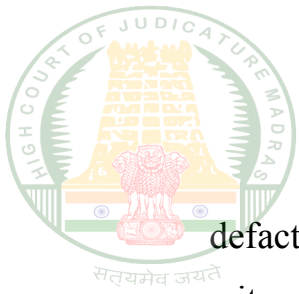
[b] The petitioners are directed to deposit a sum of Rs.5,00,000/- [Rupees Five Lakhs only] to the credit of S.T.O.R.No.1 of 2025 on the file of the learned Judicial Magistrate, Pandalur before executing bond and sureties. On such deposit, the learned Magistrate shall re-deposit the same in an interest bearing account;

[c]The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[d]In view of the strong animosity in the local area, the petitioners 1 and 3 shall appear before the District Forest Officer, Nilgiris District daily between 12.00 noon and 3.00 p.m. for a period of two weeks and thereafter as and when required for interrogation;

[e] the 2nd petitioner, an aged person shall appear before the District Forest Officer, Nilgiris District as and when required for interrogation;

[f]the petitioners shall not directly or indirectly cause any threat to the



defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[g] 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, they shall comply to the directions as may be given by the Court in this regard;

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

[i] 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];

[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

08.07.2025

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To

- 1.The Judicial Magistrate,
Pandalur.
- 2.The Forest Range Officer,



Cherambadi,
Nilgiris District.

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3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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