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Crl.O.P.No.18013 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18013 of 2025

1.P.Rayin

2.Athu @ Abdu

... Petitioners

Vs

The State of Tamil Nadu rep. by

The Inspector of Police,

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 in connection with Crime No.77 of 2025 dated 13.06.2025 on the file of the respondent police pending investigation.

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



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## ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 126(2), 132, 351(2) of BNS in Crime No.77 of 2025, on the file of the respondent Police, seek anticipatory bail.

2.The gist of the case is that on 11.06.2025 at about 10.00 a.m., the defacto complainant/Forester, Cherambadi Forest Range, Nilgiris District received an information that in the property belonging to the first petitioner, rosewood trees cut without permission from the Government and it was to be smuggled. The Forester and the Forest Guard went to the place, enquired the supervisor and the workers found there. They restrained the defacto complainant and other forest personnels, not allowed them to inspect the area and threatened them. The first petitioner contacted the defacto complainant, used abusive language and claimed that nobody can touch him, even the higher officials in the Forest Department cannot near him, threatened the forest personnels that they would be beaten to death and also passed some derogative remarks against the defacto complainant. Hence,



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complaint lodged.

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3.The contention of the learned counsel for the petitioners is that the first petitioner is the owner of the property situated in Cherangode Village, Pandalur Taluk, Nilgiris District having purchased the same in the year 2000. Ever since the first petitioner purchased the property/tea estate, he leased out the right of plucking green tea leaves for supply to two factories and the estate is not in the control of the first petitioner since 2000. The second petitioner is employed as Manager under the first petitioner who is looking after the businesses of the first petitioner such as road contract, construction work, etc. The petitioner leased out the tea estate to one Muneer and recently, the latest lease agreement was executed on 20.05.2024. This being so, on 11.06.2025 the Forest Personnels from Cherambadi without prior notice visited the land, conducted a search and enquired with the workers present on the property. Further, they used force, abusive language and threatened cases would be lodged against them and the workers were asked to pose for photographs to show that branches of rosewood, found there loaded in a vehicle which they refused and they were beaten badly, taken to the Range Office and later released. The workers who



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were beaten badly took treatment in the Family Health Centre, Ambalavayal, Wayanad and later, they lodged a complaint to the Superintendent of Police, Nilgiris District. On coming to know about the same, as a counter blast to save the excesses committed by the Forest Personnel, the above case registered. He would submit that in this case, the occurrence is said to have taken place on 11.06.2025 but the complaint lodged only on 13.06.2025 which would clearly prove that the offensive action has been taken, in defence to the excesses of power and assault committed by Forest Personnel.

4.The learned counsel further submitted that the first petitioner is an approved contractor with the Highways and Public Works Department. The first petitioner executing works to the Highways and to the local Panchayat of Devarsolai. The first petitioner was forced to part with money by politicians, who are now in the helm of the affairs which the petitioner refused and hence, a false complaint was given to bring down the first petitioner to kneels and to pay them. In support of his contention, the learned counsel for the petitioner produced the income tax returns of both the petitioners, the first petitioner showing the income derived from various businesses and more particularly, the income received in leasing out the tea



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estate to one Muneer and income tax returns of the second petitioner confirming that he is employed as Manager in the first petitioner's Construction Company and his other business entities. He also produced the lease agreement, accident register of one Bomman and Kethan and the complaint sent to the Superintendent of Police by Bomman, a casual employee under the first petitioner. Hence, prayed for anticipatory bail.

5.The learned Additional Public Prosecutor strongly opposed the petitioner's contention and submitted that on 13.06.2025 at about 19.45 hours, the defacto complainant namely Tr.Ayyanar, who is a Forest Officer lodged a complaint to the respondent police stating that on 11.06.2025, he received secret information about illegal transport of rosewood to Kerala at Kannampalli. Based on that information, he along with his subordinates rushed to the spot on 11.06.2025 at 11:00 a.m., enquired Athu/A2, a supervisor and others, at that time, the accused Rayan/A1 called the complainant over the mobile phone, started abusing with unparliamentary words in threatening manner. Further, he abused the complainant by calling his community as scheduled caste. Hence, a complaint lodged. He would submit that based on the above complaint, a case registered in Cherambadi



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Police Station in Crime No.77 of 2025, U/s.126(2), 132, 351(2) of BNS

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against A1 & A2 on 13.06.2025 at about 19.45 hours. Thereafter, he visited the scene of occurrence, prepared observation mahazar, drew rough sketch in the presence of witnesses and examined the defacto complainant and other witnesses and recorded their statements. In the affidavit filed by the petitioners, it is shown the property given in lease for a sum of Rs.22,100/- to one Mr.Muneer and the said unregistered lease agreement executed on 20.05.2024 between the second petitioner and Muneer. He further submitted that this document is not legally executed by the parties. Further, on verifying the condition No.1 of the lease document, the period of validity was 20.05.2024 to 20.04.2025 i.e for 11 months only. It is thus clear, the said unregistered lease document is not valid as on 11.06.2025. The petitioners to escape from the offence committed under the Tamil Nadu Forest Act 1882 and The Tamil Nadu Hill Area Preservation of Trees Act 1955, produced expired unregistered forged lease agreement, antidated with over writing and corrections. Hence, opposed the anticipatory bail.

6.Considering the submissions made and on perusal of the materials, it is seen that the first petitioner is the owner of the property and the second



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petitioner, Manager under the first petitioner. The first petitioner purchased 17 acres of tea estate in the year 2000 and regularly leasing out the tea estate for plucking green tea leaves for supply to the tea factories. Admittedly the first petitioner is a business man, an approved contractor for Highways and local Bodies. The Forest Range Officer, Cherambadi Range filed a case for illegal cutting and transportation of rosewood trees in violation of Tamil Nadu Forest Act in S.T.O.R.No.1 of 2025 which is pending before the learned Judicial Magistrate, Pandalur. This case is filed primarily for restraining the public servant entering the tea estate to record the enumeration and seizure of rosewood which was cut illegally. From the photographs produced by the learned Additional Public Prosecutor, it is seen there is a pile of branches of rosewood available in the tea estate and it is found intact and now the same taken possession by the forest officials. There is no logs and trunks of the tree. The medical report of the casual employees Bomman and Kethan produced and the complaint given by Bomman to the Superintendent of Police against the forest officials also produced. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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 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;

[c] the petitioners shall report before the respondent Police as and when required for interrogation since the petitioners are directed to appear before the District Forest Officer, Nilgiris District in Crl.O.P.No.17536 of 2025;



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[d] 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;

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

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

[h] 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];

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

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To

- 1.The Judicial Magistrate,  
Pandalur.
- 2.The Inspector of Police,  
Cherambadi,  
Nilgiris District.
- 3.The Public Prosecutor,  
Madras High Court.



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M.NIRMAL KUMAR, J.

*cse*

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