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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.32849 of 2025

1. Ponnusamy
2. Magesh

... Petitioners

Vs.

State rep. By
Forest Range Officer,
Sathyamangalam, Erode District.
SWOR No.1 of 2025

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioners on anticipatory bail in the event of their arrest in SWOR No.1 of 2025 on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan
For Respondent : Ms.J.R.Archana,
Government Advocate (Criminal Side).

ORDER

The petitioners herein apprehending arrest at the hands of the respondent police for the offences punishable under Sections 36A & 36E of Tamil Nadu Forest Act, 1882 and under Sections 2 & 3 of Tamil Nadu Timber Transit Rules, 1968 and under Sections 3, 4, 5 & 6 of Tamil Nadu Sandalwood Transit Rules, 1967 in SWOR No.1 of 2025, on the file of the respondent Police, seek anticipatory bail.

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2. The allegation levelled against the petitioners is that they were involved in the smuggling of 519 kgs of sandal wood, which was allegedly transported and intended for sale by A1 and A2. Pursuant to the said allegation, the concerned Officer inspected the vehicle and seized the same. Based on the statements recorded from A1 and A2, further investigation was carried out, which allegedly revealed the involvement of the petitioners, and hence, the present case has been registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation is still pending and the contraband has been recovered. He further submitted that the first petitioner is involved in three previous cases, whereas the second petitioner has no previous case. Hence, he opposed for grant of anticipatory bail to the petitioners.



5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also taking note of the fact that the first petitioner is having three previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner. However, the second petitioner having no previous case, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7. Accordingly, while dismissing this petition for grant of anticipatory bail insofar as the first petitioner, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sathiyamangalam**, on condition that **the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)**, with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

[a] if the second petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



[b] the sureties shall affix his 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;

[c] the second petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the second petitioner in accordance with law as if the aforementioned conditions have been imposed and the second petitioner 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]**;

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

01.12.2025

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To

1. The Judicial Magistrate, Sathiyamangalam.
2. The Forest Range Officer,
Sathyamangalam,
Erode District.
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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