



CRL OP(MD). No.2724 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2724 of 2025

1.Chinnappan
2.Surendran
3.Murugaraj

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep by the Forest Range Officer,
Bodinayakanur Forest Range Office,
Theni District.
W.L.O.R.No.2 of 2025

... Respondent/ Complainant

For Petitioners : Mr.S.T.Sasidharan Tamilkani

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in W.L.O.R.No.2 of 2025 on the file of the respondent.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 10.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent for the offences punishable under Sections 21(b), 21(c), 21(d), 21(g), 41, 50(d) and 51 of Tamil Nadu Forest (Amendment) Act, 1992 and under Sections 2(16)(a), 2(16)(b), 2(16)(c), 9, 39, 50 and 51 of Wildlife Protection Act in W.L.O.R.No.2 of 2025 on the file of the respondent.

3. The case of the prosecution is that on 23.01.2025, at about 11 a.m., when the respondent Officer and his team came to Kottakudi, Kappukadu for removing the encroachment in S.No.1284 made by the petitioners, the petitioner's family restrained the Officers and quarreled with them. The Officer and his team found that the encroachment area was extended by the petitioners and the petitioners have set up a tent, camp, a fire camp and are using camp chairs and a woofer set, which would create noise that may disturb the animals. They seized all the things. The Officer further found that the petitioners are using the tent put up therein as Tourist spot, hunting animals, thereby, creating disturbance to the forest animals. Hence, the case.

4. Mr.S.T.Sasidharan Tamilkani, learned counsel appearing for the petitioners,



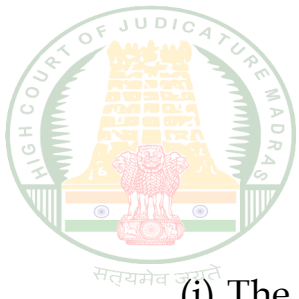
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submits that the petitioners have been falsely implicated in this case. The petitioners did not commit any offence as alleged by the prosecution. He, however, submits that the petitioners are ready to abide by any condition to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent, submits that there are totally four accused persons in this case. The petitioners are A1 to A3. A4 was already arrested and is still in judicial custody. The petitioners are family members, who are inhabitant of Kottagudi Village. The petitioners and other accused have encroached on the reserved forest area by setting fire and causing disturbance to the animals living in the forest. He further submits that though three times, show cause notice were given to them, they have not removed the encroachment. Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of the offences alleged against the petitioners and considering the facts and circumstances of the case, this Court feels that custodial interrogation of the petitioners is not necessary in this case. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:



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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Bodinayakkanur, Theni District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate, Bodinayakkanur, Theni District.

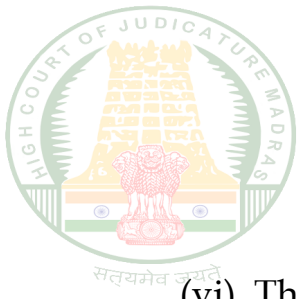
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a forest officer as and when required;

(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any forest officer;

(v) The petitioners shall not leave India without the previous permission of the

Court;



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(vi) Thereafter, the petitioners shall appear and sign before the respondent-Range Officer daily at 10.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Bodinayakkanur, Theni District;

(viii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
20/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

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- TO
- 1 THE JUDICIAL MAGISTRATE
BODINAYAKKANUR, THENI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 - 3 THE FOREST RANGE OFFICER,
BODINAYAKANUR FOREST RANGE OFFICER,
THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-1901[I] dated
20/02/2025)

ORDER
IN
CRL OP(MD) No.2724 of 2025
Date :20/02/2025

SS/SKN/SAR- /28/02/2025/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023