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Crl.O.P.No.4919 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.4919 of 2026

Moorthy

... Petitioner/A1

Vs.

State of Tamil Nadu
Rep. by the Forest Range Officer,
Dharmapuri Forest Range,
Dharmapuri.
(Crime No.19 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.19 of 2026 on the file of the respondent police.

For Petitioner : Mr.K.Krishnan
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Sections 21(d), 21(e), 21(g), 50 and 53 of the Tamil Nadu Forest Act, 1882** in **Crime No.19 of 2026**, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with others,



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created an unauthorized pathway through forest land in Survey No.442 situated at Nagerkoodal Village, and used the same for commercial purposes.

It is further alleged that, upon discovering this misuse, the respondent authorities excavated trenches across the pathway to seal it and safeguard the forest area, a measure that was subsequently obstructed by the petitioner and others. Based on these allegations, the respondent has registered a case in O.R.No.19 of 2026 dated 12.02.2026 on the file of the respondent. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. He further submitted that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution's case and, upon instructions, submitted that the petitioner has created a passage in the reserved forest land and when this was questioned and objected by the Forest Department, the petitioner again created a passage by using a bulldozer. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



5. Heard the submission made by the learned counsel on either side and perused the materials available on record.

6. From the submissions made by the learned Government Advocate (Crl.Side) this Court is of the view that no custodial interrogation of the petitioner is required to proceed with this matter. In such view of this position, this Court is inclined to enlarge the petitioner on anticipatory bail subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 is made ready, before the **learned Judicial Magistrate-II, Dharmapuri**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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,



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2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the learned Judicial Magistrate-II, Dharmapuri, twice a day at 10.30 a.m., and 5.30 p.m., for a period of eight weeks and thereafter, as and when required for interrogation before the respondent police and the petitioner is also directed to co-operate with the investigation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To:

1.The Judicial Magistrate-II,
Dharmapuri.

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2.The Forest Range Officer,
Dharmapuri Forest Range,
Dharmapuri.

3.The Public Prosecutor,
High Court of Madras.

C.KUMARAPPAN,J.,

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