



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13488 of 2016

ESAKKIAPPAN @ KUMAR

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP BY
THE FOREST RANGER
BOOTHAPANDI, KANYAKUMARI DISTRICT.
(O.R. NO.39/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.PALANI VELAYUTHAM Advocate
For Respondent : M./S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

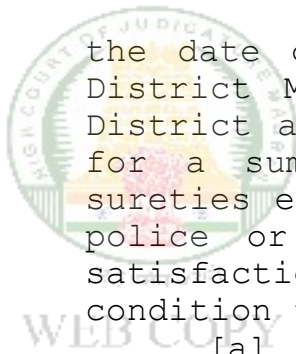
The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 21(d)(h) of Forest Act and Sections 9,40,51 of Wild Life Protection Act in OR.No.39 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused eating some meat and on examining the meat they came to know that they were eating iguana (Udumpu) and the same comes under Schedule No.1 and Part No.1 of the Wild Life Protection Act. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. Heard the learned Government Advocate (Crl. Side).

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from



the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Boothapandi, Kanyakumari District and on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

01/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
BOOTHAPANDI, KANYAKUMARI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE FOREST RANGER
BOOTHAPANDI, KANYAKUMARI DISTRICT.

+1. CC to M/S S.PALANI VELAYUTHAM Advocate SR.No.41093
RL/6C/2P/SKS/RR/SARI/5/8/2016

ORDER

IN

CRL OP(MD) No.13488 of 2016

Date :01/08/2016