



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

Friday, the First day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5653 of 2016

1 MURUGANANTHAM
2 ESAKIAPPAN, S/O.RAMAIHA
3 ESAKIAPPAN, S/O.NATARAJAN
4 RAMESH
5 PAULDURAI
6 ELAIYAPERUMAL

..PETITIONERS/ACCUSED No.1,3,4,5,6 and 8

Vs

THE FOREST RANGE OFFICER
BOOTHA PANDI,
KANYAKUMARI DISTRICT,
O.R NO.39 OF 2016.

.. RESPONDENT / COMPLAINANT

For Petitioner : M/S S.PALANI VELAYUTHAM Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

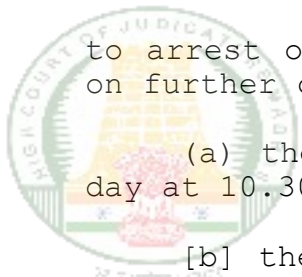
Apprehending arrest at the hands of the respondent police in O.R.No.39 of 2016, on the file of the respondent police for offences under Sections 21(d)(h) of Forest Act and Sections 9,40,51 of Wild Life Protection Act, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

3.It is seen that when the Forest officials were on their routine duty, they found Muruganandham/Al was cooking in the forest and on inspection, it was found that he was cooking an Iguana. When Muruganandham was questioned, he told the names of the other accused, but, strangely, Muruganandham was not arrested by the respondent.

4.Taking into consideration the nature of the allegations against these petitioners, this Court is of the view that it is a fit case for grant of anticipatory bail. Accordingly, anticipatory bail is granted, but with conditions.

5. 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 Special Court for Forest Offence Cases at Nagercoil, Kanyakumari District, by executing a separate 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 petitioners shall report before the respondent Police every day at 10.30 a.m. until further orders.

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

[c] the petitioners 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 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]**.

[e] The Inspector of Police concerned is directed to send compliance report to the office of the Government Advocate (Crl. Side) as to whether the petitioners are complying with the condition or not.

sd/-
01/04/2016

/ TRUE COPY /

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

1. THE SPECIAL JUDGE
THE SPECIAL COURT FOR FOREST OFFENCE CASES
AT NAGERCOIL, KANYAKUMARI DISTRICT
2. THE FOREST RANGE OFFICER
BOOTHA PANDI, KANYAKUMARI DISTRICT,
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.PALANI VELAYUTHAM Advocate SR.No.18423

ORDER
IN
CRL OP(MD) No.5653 of 2016
Date :01/04/2016

RR
SH/AN-MP.SAR-I:05.04.2016:3P/5C