

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

Friday, the Twenty Third day of December Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23675 of 2016

1 JEYARAMAN
2 RAJI
3 KUMAR
4 GANDHI
5 RAJINI
6 SELVAM
7 SINGARAM
8 RAJAMANICKAM
9 RADHAKRISHNAN
10 PRAKASH
11 SENTHIL
12 RAJENDRAN

.... PETITIONERS/ACCUSED Nos. 1 to 12

Vs

THE STATE REP.BY,
THE FOREST RANGER,
FOREST RANGE LIMIT,
TRICHY

(IN WILD LIFE OFFENCE NO.3 OF 2016) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 to 12 were arrested on 26.11.2016 for the offences punishable under **(*)Section 3 r/w. Section 28 of Arms Act, 1959 and Sections 9, 51 of the Wild Life Protection Act and Sections 21 D, H of Tamil Nadu Forest Act** in Wild Life Offence No.3 of 2016 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners states that totally there are 12 accused in this case, who are the petitioners herein and they are Scheduled Tribes people and they are living in and around Patchamalai Hills. He further states that the petitioners are having cultivations in the allotted lands and they are having a tradition and culture of living with the forest and coexistence with the living organisms with birds and animals. On 26.11.2016, when the petitioners came down from Pachamalai hills with their onion loads, they were intercepted by the Forest Officials and a false case has been foisted against them with the allegation that they have hunted the forest pig.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Government Advocate (Crl.side) appearing for the

respondent states that the petitioners are having the arms without obtaining licence. It is also admitted that the copy of the complaint was sent only on 08.12.2016 by the forest officials to the concerned Court and the occurrence took place on 26.11.2016 and the alteration report was filed on 07.12.2016 including the penal provision of Arms Act.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 26.11.2016, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur.

(ii) the petitioners are directed to appear before the learned Judicial Magistrate, Thuraiyur at 10.30 a.m. for a period of four weeks;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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].

sd/-

23/12/2016

**(*) Amended as per the order of this
Hon'ble Court made in CRL MP (MD)
No.12682 of 2016 in CRL OP (MD)
No.23675 of 2016 vide order dated
23.12.2016 by AMBAJ.**

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, THURAIYUR.
- 2 -DO THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
- 3 THE FOREST RANGER, FOREST RANGE LIMIT, TRICHY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
- 5 MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.83387

ORDER IN

CRL OP (MD) No.23675 of 2016

Date : 23/12/2016