



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.573 of 2018

1 SENTHILKUMAR

2 SARAVANAN

... PETITIONERS/ACCUSED No.3&4

Vs

STATE REP.BY,
FOREST RANGER,
PERUMPALLAM RANGE,
KODAIKANAL TALUK,
DINDIGUL DISTRICT
IN WLROP NO.3/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.SANKAR Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

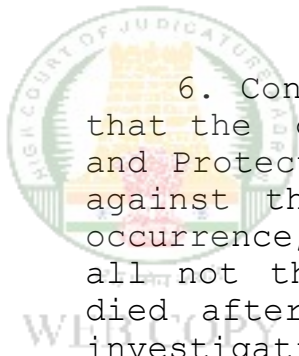
ORDER : The Court Made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 2(16), 9, 51 of Tamil Nadu Wildlife and Protection Act 1972, in WLROP.No.3 of 2017, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that the Accused Nos.1 and 2 said to have hunted and killed three Bison and buried the same into the land of the petitioners/A3 & A4. Hence, the respondent police registered a case against the petitioners.

4.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution. Even after registering of the case only, the petitioners came to understand that they are also arrayed as accused in the said case. Hence, he prays for anticipatory bail.

5.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that as per confession statement given by A1, these petitioners/A3 & A4 have been implicated in this case. According to him, investigation is not completed.



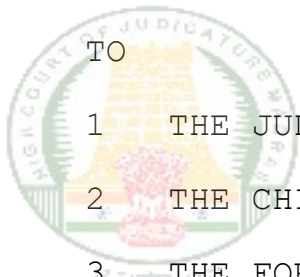
6. Considering the submissions made on either side, it discloses that the offences under Sections 2(16), 9, 51 of Tamil Nadu Wildlife and Protection Act 1972, in WLROP.No.3 of 2017 has been registered against the petitioners. It is alleged that during the time of occurrence, the petitioners permitted the two other accused, who are all not the petitioners herein for burring the Bison, which were died after touching the electric fence. As of now, part of the investigation is completed. Other accused in this case were already released on bail. Hence, custodial interrogation is not necessary for completing the investigation. Therefore, the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 Judicial Magistrate, Kodaikanal, Dindigul District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of four weeks, thereafter, as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-
12/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, KODAIKANAL, DINDIGUL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT

3 THE FOREST RANGER,
PERUMPALLAM RANGE, KODAIKANAL TALUK, DINDIGUL DISTRICT

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

+1. CC to M/S.M.SANKAR Advocate SR.No.792

ORDER

IN

CRL OP(MD) No.573 of 2018

Date :12/01/2018

PK/VR/SAR-4/18.01.2018 : 3P/6C