



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1337 of 2019

1.DEIVAM
2 ESWARAN
3 ESWARAN @ SOMBAL
4 SURENDRAN

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REPRESENTED BY
THE RANGER OFFICER
CUMBUM EAST FOREST RANGE OFFICE,
CUMBUM, THENI DISTRICT.
WLOR.NO.3/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.SUNDARAPANDIAN Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 2, 9, 27, 31, 33, 39, 40, 42, 43, 44, 47, 48, 49(b), 49(c), 50, 51 and 52 of Wild Life Animals Act, 1972 in W.L.O.R.No.3 of 2018 on the file of the Ranger Officer, seek anticipatory bail.

2.It is the case of the prosecution that when the forest watcher were conducting usual checkup, at that time, they came to know that one male Elephant was dead due to the electric shock and the ivory of the Elephant was removed by the accused persons, for which, a case has been registered against the accused persons.

3.The learned counsel appearing for the petitioners would submit that the ivory of the said Elephant was removed only by A1 and A2 not by the petitioners and the petitioners did not commit any offence as alleged by the prosecution. Accordingly, he prayed for anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that based on the confession of A1 and A2, the respondent police came to know that the petitioners were involved in the said occurrence and the ivory of the said Elephant was removed by them. The main accused persons were enlarged on bail by the learned Judicial Magistrate, Uthamapalayam.

5. Considering the facts and circumstances of the case, 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 Judicial Magistrate, Uthamapalayam, on condition that the petitioners 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 ranger officer, who intends to arrest or to the satisfaction of the learned Magistrate / Judge concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police or the ranger officer as and when required for the purpose of interrogation;

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

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

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE RANGER OFFICER
CUMBUM EAST FOREST RANGE OFFICE,
CUMBUM, THENI DISTRICT.

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

+1. CC to MR.S.SUNDARAPANDIAN Advocate SR.No.2458

ORDER

IN

CRL OP(MD) No.1337 of 2019

Date :06/02/2019

AE/PN/SAR3/08.02.2019/3P/6C