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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6001 of 2019

1 KUBENDRAN,
2 JEYARAM @ GURUVU ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE FOREST RANGER,
KANDAMANUR FOREST,
THENI DISTRICT.
(WLOR.NO.2/2019) ... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.RAMASAMY Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 2 (16) (a) (b) (c)(20) (35), 9, 39 & 51 of Wild Life Protection Act, 1972, in Crime No.2 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the the petitioners are arrayed as A4 & A5. The petitioners and other co-accused hunt the deer with help of dogs and shared the meat themselves, on information A2 was arrested by the respondent police. Hence, this complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that only on confession of A2, the petitioners were falsely implicated in this case. However, on instruction, he would further submit that the petitioner is ready to deposit a sum of Rs.10,000/- each to the District Forest Officer for the welfare of Animals in the forest.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that if the petitioner is ready to deposit the amount, anticipatory bail may be considered.

5.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner is directed to deposit a sum of Rs.10,000/- to the credit of Crime No.2 of 2019 before the learned Judicial Magistrate,Andipatti.

6.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 Judicial Magistrate, Andipatti on condition that 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 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 are directed to deposit a further sum of Rs.10,000/- each to the District Forest Officer for the welfare of Animals in the forest by way of Demand Draft within a period of two weeks from the date of receipt of a copy of this order. The copy of the said Demand Draft shall be produced before the learned Judicial Magistrate, Andipatti, at the time of executing the bond.

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

(c)the petitioners shall report before the respondent police daily at 10.30 a.m.,until further orders;

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

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

(f)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];*** and; the co-accused was released on bail before the Principal Seat at Madras

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

sd/-
25/04/2019

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

TO

1 THE JUDICIAL MAGISTRATE ANDIPATTI,
THENI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE FOREST RANGER,
KANDAMANUR FOREST, THENI DISTRICT.

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

COPY TO

THE DISTRICT FOREST OFFICER,
THENI DISTRICT.

+1. CC to MR.S.RAMASAMY Advocate SR.No.7272

PS/VR/SAR-4/29.04.2019/3P/7C

ORDER
IN
CRL OP(MD) No.6001 of 2019
Date :25/04/2019

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