



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6823 of 2019

Amsamani

... Petitioner/Accused No.4

Vs

The state rep.by.
The Forest Range Officer,,
Forest Range Office,
Varusanadu, Theni District
(W.L.O.R.No.03/2019).

... Respondent/Complainant

For Petitioner : M/s.B.Jeyakumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory bail in W.L.O.R.No.03 of 2019 on the file of the Forest Range Officer, Forest Range Office, Varusanadu, Theni District.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 21(d) (f) (h), 2, 53 of Tamilnadu Forest Act, 1882 and Sections 2, 9, 39, 49, 51, 58 of Wild Life Protection Act, 1972 and 25 (1) (a)(c) of Indian Arms Act, 1959, in W.L.O.R.No.03 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in the above case, based on the confession given by A5. He further



submitted that even as per the prosecution case, the petitioner herein went along with other accused persons into the reserved forest on 19.04.2019 and subsequently, all of them came out and only on 22.04.2019 at 06.00 a.m., when the accused No.5 went into the reserved forest, the respondent/forest ranger had arrested him and obtained confession. Based on the said confession, the petitioner has been implicated in the above case. He further submitted that the petitioner was not in possession of any weapon and he has not committed any hunting of any of the animals. He further submitted that already accused Nos.1, 2, 3 & 5 were arrested and subsequently, they were released on bail and therefore, he prayed to grant anticipatory bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally 5 accused involved in the above case. He further submitted that on 22.04.2019 at 06.00 a.m., the accused No.5 was found in the reserved forest and he was arrested and he voluntarily gave confession stating that on 19.04.2019, the petitioner entered into the reserved forest along with other accused person for the purpose of hunting. He further submitted that the investigation is still pending and hence, he opposed this petition. However, he fairly conceded that already the accused Nos.1, 2, 3 & 5 were arrested and subsequently, they were released on bail.

5. Taking into consideration of the fact that only based on the confession given by the co-accused, the petitioner was implicated in the above case and also the fact that no animal has been hunted by the petitioner and also the fact that already A1, A2, A3 & A5 were arrested and subsequently released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, Theni District, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.



(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
11/06/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, AUNDIPATTI,
THENI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3.THE FOREST RANGE OFFICER,
FOREST RANGE OFFICE, VARUSANADU,
THENI DISTRICT.

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

+1. CC to M/S.B.JEYAKUMAR Advocate SR.No.9409

ORDER
IN
CRL OP(MD) No.6823 of 2019
Date :11/06/2019

dss

PK/PN/SAR-1/18.06.2019 : 3P/6C