



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7044 of 2019

SEKAR

... PETITIONER/ ACCUSED (RANK NOT KNOWN)

Vs

STATE REP.BY
THE FOREST RANGE OFFICER,
TRICHY. (W.L.O.R.NO.4 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 48(a) and 51 of the Wild Life (Protection) Act, 1972, in W.L.O.R.No.4 of 2019, on the file of the respondent, seeks anticipatory bail.

2.Heard Mr.T.Lenin Kumar, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that on 08.05.2019, when the respondent was on surveillance, the petitioner transited an Elephant, namely, Rani bearing Chip No.0006592AA2, from Trichy to Salem, without necessary permission. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner transited an Elephant along with necessary food and other materials and he is also having necessary permission. Hence, he prays for grant anticipatory bail.



5.The learned Government Advocate (Crl Side) appearing for the respondent Police would submit that without valid permission, the petitioner transited the elephant. Hence, he opposed to grant anticipatory bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case and also considering the nature of offence levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

7.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 on which the order copy was made ready before the learned Judicial Magistrate No.III, Trichy, on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police as and when required.

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-
15/05/2019

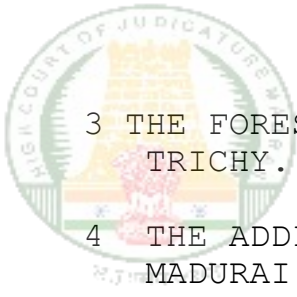
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Sub-Assistant Registrar(C.S-III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III, TRICHY

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3 THE FOREST RANGE OFFICER,
TRICHY.

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

WEB COPY

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.8453

ORDER

IN

CRL OP (MD) No.7044 of 2019

Date :15/05/2019

ES/JC/SAR 3/20.05.2019/3P/6C