



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

Wednesday, the Fifteenth day of May Two Thousand and Nineteen

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7064 of 2019

1 AANAIKUTTY

2 SEKAR

... PETITIONERS/ ACCUSED Nos.3 & 4

Vs

THE FOREST RANGER
RAJAPALAYAM RANGE,
VIRUDHUNAGAR DISTRICT
(CRIME NO.7/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.ABIYA, 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 petitioners/ Accused Nos.3 and 4, who were apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 21(d), (e) of Tamil Nadu Forest Act -V, 1882, 109 and 441 I.P.C and Section 33(d) of Wild Life Protection Act, 1972, in O.R.No.7 of 2019, on the file of the respondent, seek anticipatory bail.

2.Heard M/s.K.Abiya, 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 inspecting the forest, the petitioners along with other accused persons grazed their cattle in the place, which is the reserved forest area. Hence, the complaint.

4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, she prays for grant anticipatory bail.



5.The learned Government Advocate (Crl Side) appearing for the respondent Police would submit that without valid permission, the petitioners trespassed into the reserved forest area. Hence, he opposed to grant anticipatory bail to the petitioners.

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

7.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 on which the order copy was made ready before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioners shall execute a separate 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 and on further conditions that:-

[a] the petitioners 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 petitioners shall report before the respondent police as and when required.

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

[d] the petitioners 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

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
RAJAPALAYAM.



2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE FOREST RANGER
RAJAPALAYAM RANGE,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.K. ABIYA Advocate SR.No.8468

ORDER

IN

CRL OP (MD) No.7064 of 2019

Date :15/05/2019

ES/VR/17.05.2019/4P/6C