



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

Date : 30/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10624 of 2019

Chellapandi

... Petitioner/Accused No.2

Vs

State Rep by
The Forest Range Officer,
Aundipatti, Theni District.
W.L.O.R. No. 01 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.Sivabalan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioner on bail in connection with the case in W.L.O.R. No. 01 of 2019 on the file of the Respondent and pass orders as this Honble Court.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.2 seeking bail for the alleged offence under Section 9,39,49(b),50,51 (1) of Wild Life Protection Act, 1972.

2. Heard both sides

3. The case of the prosecution is that on 05.06.2019, when the respondent police was on surveillance on the Theni- Madurai Highway near T.Sublapuram Village the accused 1 to 3 were found in possession of a skin of leopard.

4. The learned counsel for the petitioner would submit that the petitioner has not committed any offence and a false case case has been foisted against the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 07.06.2019 and he is in custody for the past 53 days. He further submitted that by this time a major portion of the investigation



might have been completed. Therefore he prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner along with two other accused came with the skin of leopard and when they were interrogated, during interrogation they gave confession that they got the skin of leopard from some unknown persons for the purpose of selling the same. Thereafter the petitioner was arrested and remanded to judicial custody. However he opposed the bail application on the ground that investigation is still pending. He further submitted that no previous case is pending against the petitioner.

6. Taking into consideration the allegations made against the petitioner and also the fact that the petitioner is in custody for the past 53 days and by this time a major portion of the investigation might have been completed and also the fact that there is no bad antecedents reported against the petitioner, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Aundipatti, Theni District.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
AUNDIPATTI THENI DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE FOREST RANGE OFFICER,
AUNDIPATTI, THENI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.K.SIVABALAN Advocate SR.No.12514

ORDER
IN
CRL OP (MD) No.10624 of 2019
Date : 30/07/2019

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TK/PN/SAR.4/30.07.2019/3P/7C