



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10816 of 2019

Murugan,

... Petitioner/Accused No.1

Vs

State rep by
The Forest Ranger,
Tamil Nadu Forest Department,
Rajapalayam Forest Division,
Rajapalayam, Virudhunagar District
(Misc. Or No.11 of 2019).

... Respondent/Complainant

(Amended as per order of this Hon'ble Court dated 31.07.2019 in
Crl OP(MD)No.10816 of 2019 by PRMJ)

For Petitioner : M/s.S.Saravana Kumar,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in MISC OR No.11 of 2019 on the file of
the Respondent

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 27, 29,
52 of the Wild Life (Protection) Act, 1972 and Section 21(d) F & G
Tamil Nadu Forest Act-V, 1882 in MISC OR No.11 of 2019, seeks
anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The learned counsel appearing for the petitioner has filed a memo stating that the correct rank of the petitioner is A-1, but due to typographical error, it has been wrongly mentioned in this petition as A-2. Hence, he prays this Court to rectify the same.

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3.The said memo is recorded. The Registry is directed to carry out necessary amendments in required places.

4.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has not committed any offence. He further submitted that A-2 in this case was already arrested. When the petitioner requested the defacto complainant/Forest Ranger to return the vehicle of A-2, a wordy quarrel arose between them. Hence, the present complaint came into existence. Therefore, he prayed for grant of anticipatory bail to the petitioner.

5.The Additional Public Prosecutor appearing for the respondent has submitted that there are totally two accused in this case and the petitioner is A-1. He further submitted that A-2 was already arrested and remanded to judicial custody. Hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

6.The offence report has been registered under Sections 27, 29, 52 of the Wild Life (Protection) Act, 1972, and Section 21(d) F & G Tamil Nadu Forest Act-V, 1882. As per the offence report, the petitioner herein and another accused person trespassed into the forest area and tried to take sand in a stream with the help of one tractor. But it is not stated that the said area has been declared as 'sanctuary' under the provisions of the Wild Life (Protection) Act, 1972 for attracting the provisions of Sections 27 and 29 of the said Act.

7.Taking into consideration of the aforesaid facts and also the fact that no previous case is pending against the petitioner and that A-2 was already arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

8.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, Rajapalayam, Virudhunagar District on condition that the petitioner 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 or to the satisfaction of the learned Magistrate concerned and on



further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

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

[d] the petitioner shall not abscond 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/-
31/07/2019

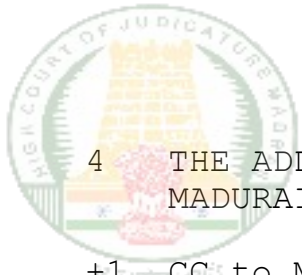
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT
- 2 THE CHEIF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE FOREST RANGER
TAMIL NADU FOREST DEPARTMENT, RAJAPALAYAM
FOREST DIVISION, RAJAPALAYAM, VIRUDHUNAGAR
DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1. CC to M/S.S.SARAVANA KUMAR Advocate SR.No.12690

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ORDER

IN

CRL OP(MD) No.10816 of 2019

Date :31/07/2019

KM/JC/SAR-I (19.08.2019) 4P 6C