

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.833 OF 2019

ORDER:

The petitioners are A-2 to A-11 of Crime POR No.4310 of 1987, dated 30.01.2019, of Forest Section Officer, Marrimadla, registered for the offences punishable under Sections 9, 39(3)(a) & (b), 44(a) (iii) & (v) read with 51(1) and 57 of Wild Life Protection Act, 1972, and Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. One of the contentions of the learned counsel for the petitioners are that there is no killing of the animal, but for electrocuted, which is meant to protect the crops, by A-1 and the dead cattle even taken by A-1 having founded in his field and the only allegation is distribution and none of the ingredients of the offence defined in the sections quoted apply, much less punishable above seven years and thereby they are entitled to anticipatory bail.

3. Learned Public Prosecutor opposed the same.

4. Heard learned counsel for the petitioners and also learned Public Prosecutor representing the respondent State in the anticipatory bail application and perused the material on record.

5. It is not only mere electrocution, but the manner in which the crime perpetrated including in distributing the meat of the dead animal by all instead of informing and handing over the dead animal to the Forest Officer, if at all it is an accidental outcome clearly shows the premeditated outcome of the rear species the wild cattle thereby they are not entitled to the concession of anticipatory bail, but for to say as none of the offences shown punishable above seven years,

Investigating Officer strictly follow Section 41-A of the Code of Criminal Procedure, 1973.

6. Accordingly, rather than dismissal, the Criminal Petition, is disposed of.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 20th February, 2019

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