

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6646 of 2020

1 RAMACHANDRAN [PETITIONERS / ACCUSED]
2 KANAGARAJ
3 JAYAKRISHNAN @ JAYAKUMAR
4 MANIKUMAR

Vs

STATE BY [RESPONDENT]
THE FOREST RANGE OFFICER,
POLLACHI FOREST RANGE,
AANAMALAI, COIMBATORE
W.L.O.R.NO.1/2020

For Petitioner : M/S. M.N.BALAKRISHNAN Advocate

For Respondent : MR.S.KARTHIKEYAN ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 2, 2(14) of Wild Life Protection Act, 1972 in W.L.O.R.No.1 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners along with A1 were alleged to have killed a python while it was swallowing a goat belonging to 4th petitioner. It was further alleged that after killing the python, they burnt it with an intention to remove the evidence. Hence, the complaint.

3. Learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners, in order to retrieve the life of the goat which was going inside the python's mouth, attempted to fight with the python, which resulted in death of python and goat. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that the killed python was one among the rarest species and since it was burnt, a case has been registered. Thus he prayed for dismissal of this petition.

5. Perusal of the FIR would clearly shows that while the python was swallowing the goat, the petitioners have rightly attempted to retrieve the life of the goat and in that attempt, the python was killed, so also, the goat, which shows that there is no intention for the petitioners to kill the python. In view of the above, this Court, overruling the objection raised by the respondent is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 made ready, before the learned Judicial Magistrate II, Pollachi on condition that each of petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners 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/-

20/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER,
POLLACHI FOREST RANGE,
AANAMALAI,
COIMBATORE

CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary
charges

RD 28/05/2020



CRL OP.6646/2020

Date :20/03/2020

WEB COPY