

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 29.05.2020**

**CORAM**

**THE HONOURABLE Mr. JUSTICE M. NIRMAL KUMAR**

Crl. O.P. No.7998 of 2020

Govindhan

... Petitioner

-Vs-

The State rep. By its,  
Forest Range Officer,  
FRO, Harur.  
(OR No.04 of 2020)

... Respondent

**PRAYER:-** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in OR No.04 of 2020 on the file of the respondent Authority.

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr. Karthikeyan Swaminathan,  
Additional Public Prosecutor

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**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 26.04.2020 for the offence punishable under Clause (d), (h) of Section 21 of Tamil Nadu Forest Act (V 1882), Sections 2(16), 9(1), 50, 51 of Tamil Nadu

wild Animal Protection Act 1972, Section 25(1)(A) Indian Arms Act 1959 and section 39 & 51(1) of Tamil Nadu wild Animal Protection Act 1972, in OR No.04 of 2019 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was found in reserved forest area with country made gun and a bag of explosives and he was attempting to hunt the wild animals in the forest. During the night patrol, the respondent arrested the petitioner and remanded to judicial custody.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Farmer by profession and his land is abutting the Forest area. He would further submit that the petitioner is cultivating his land and out of the income from his land, he is surviving. The petitioner was having watt in the field to scare away animals from damaging the crops. Further, he would submit that the petitioner is in judicial custody from 26.04.2020 and hence, he seeks bail for the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner was found in the reserved forest area with country made gun and a bag of explosives. He would submit that the petitioner attempted to hunt the wild animals in the forest. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner and also taking note of the fact that no hunt has been taken place and the petitioner is in judicial custody from 26.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison in which the petitioner has been confined, on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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]***;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.05.2020

kmi

Index : Yes/No

Speaking Order: Yes/No

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To

1. The Judicial Magistrate,  
Harur.
2. The Forest Range Officer,  
FRO, Harur.
3. The Superintendent,  
Central Prison, Salem.
4. The Public Prosecutor,  
High Court of Madras,  
Chennai.

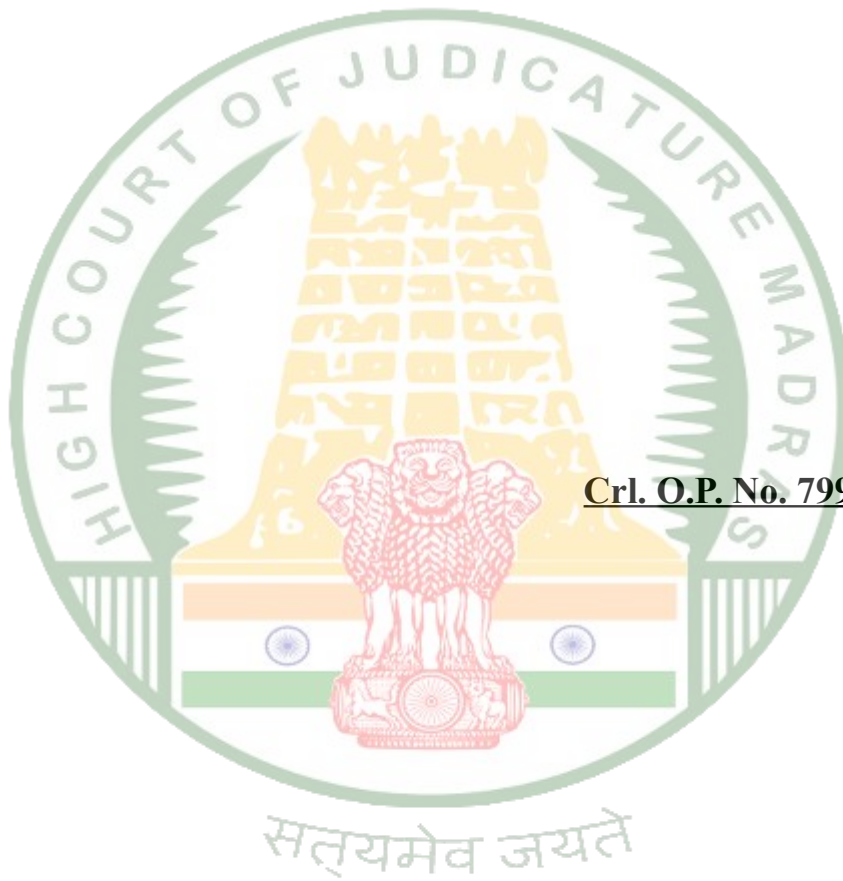


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**M. NIRMAL KUMAR, J.**

kmi



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