

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8202 of 2020

K.Ayyappan, Male/Aged 36 Years,
S/o. Kolanji
Theradi Street,
Mangalore Village,
Veppur Taluk,
Cuddalore District

... Petitioner/Accused

/Vs/

State Rep by
Forest Range Officer
Virudhachalam Forest Range,
Cuddalore District Forest Range Office,
Virudhachalam – 606 001.
(WLOR No.4 of 2020)

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in (WLOR) Cr.No.4 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Krishnamoorthy

For Respondents : Mr.K.Prabakar
Additional Public Prosecutor

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ORDER

The petitioner who was arrested and remanded to judicial custody on 11.05.2020 for the offences punishable under **Sections 2, 9, 39, 50 and 51 Schedule I-Part III Serial No.10(c) and 11 of Wild Life (Protection) Act, 1972, in WLOR No.4 of 2020** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the 3 Peacock and 3 Peahen were found dead on the land of the petitioner. The allegation against the petitioner is that he had placed poison mixed grains at his land which resulted in the death of the birds. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that in fact the petitioner had placed poison mixed grains only to get rid of the rats. Unfortunately, the Peacocks ate them and died and that the petitioner had no intention to kill the Peacocks. He further submitted that the petitioner has been suffering incarceration from 11.05.2020. Hence he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has caused death of Peacocks. He further submitted that there is no previous case against the petitioner. However, he opposed for the grant of bail to the petitioner.

5. Considering the above facts and circumstances and the period of incarceration undergone by the petitioner from 11.05.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing 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) Thereafter, 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 05.07.2020, 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 daily at 10.30 a.m. for a period of one week and thereafter, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners

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.

6. With the above directions, this Criminal Original Petition is ordered.

05.06.2020

Index : Yes/No
Internet : Yes/No
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To

1. The Judicial Magistrate-I, Virudhachalam.

2. Forest Range Officer
Virudhachalam Forest Range,
Cuddalore District Forest Range Office,
Virudhachalam – 606 001.

3. The Public Prosecutor,
High Court of Madras.

4. The Superintendent
Central Prison, Cuddalore.

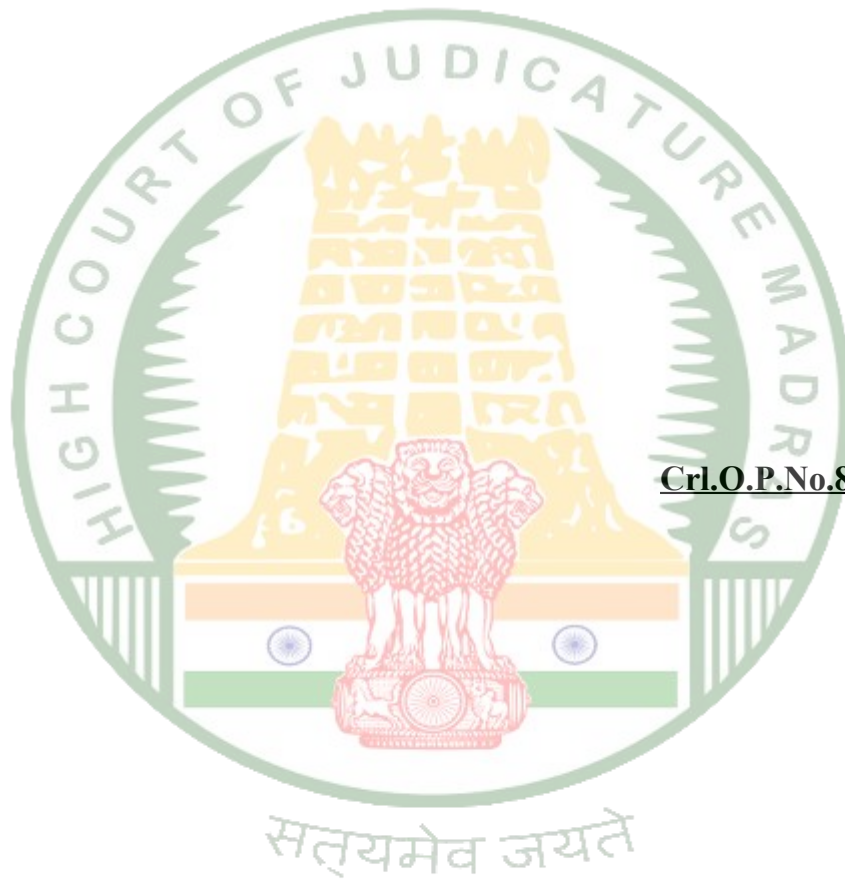


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A.D.JAGADISH CHANDIRA,J.

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