

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10157 of 2020

Rajini

... Petitioner

Vs.

State, represented by
The Station House Officer,
Forest Range Office,
Gingee, Villupuram District.
(WL.OR.No.4 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in WL.OR.No.4 of 2020 on the file of the Station House Officer,
Forest Range Office, Gingee, Villupuram District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
2(16), 9, 39, 44(V), 50 and 51 of The Wildlife (Protection) Act, in
WL.OR.No.4 of 2020, on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that on 31.05.2020 at about
4.30 p.m., the respondent police were on patrolling duty, at that
time, the petitioner came into a two wheeler with the hunted animals
Wild Cat, Wild Rabbit and Porcupine. Thereafter, the respondent
police have tried to intercepted the vehicle, the petitioner flew
away by leaving the hunted animals. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and he did not commit any
offence as alleged by the prosecution and he has been falsely
implicated in this case. On instructions, he would further submit
that without prejudice to his defence, the petitioner is prepared to
deposit some considerable amount to any charitable organisation.
Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that on 31.05.2020 at about 4.30 p.m., the respondent police were on patrolling duty, at that time, the petitioner came into a two wheeler with the hunted animals of Wild Cat, Wild Rabbit and Porcupine. Thereafter, the respondent police have tried to intercepted the vehicle, the petitioner flew away by leaving the hunted animals. He further submitted that there is no previous case pending against the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Tamil Nadu Advocate Clerk Association, High Court, Madras, within fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate Court, Gingee, Villupuram District, on condition that the 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 petitioner 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 petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) through RTGS/NEFT transfer to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras (Indian Bank, High Court Branch, SB A/c No.484077244, IFSC No.IDIB000M157) and shall produce the said receipt before the Court below.

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

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/07/2020

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 COURT,
GINGEE, VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
FOREST RANGE OFFICER,
GINGEE, VILUPURAM DISTRICT.

4 TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
IFSC CODE:IDIB000M157)

CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.10157/2020

Date :07/07/2020

RVR 01/09/2020

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