

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2020

CORAM :

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

CrI.O.P.No.11599 of 2020

M.Chandran

... Petitioner

Vs.

State rep. by its
The Forest Range Officer,
Odgathur Range, Odugathur
Vellore District.

W.L.O.R.No.11/2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in respect of W.L.O.R.No. 11/2020 pending investigation on the file of Forest Range Officer, Odugathur Range, Odugathur, Vellore District.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to the judicial custody on 19.7.2020 for the alleged offences punishable under sections 21(d) (h) of Tamil Nadu Forest Act Vth Act 1882, 9(1) & 51 of Wildlife Protection Act 1972, Sec. 429 IPC & 9(B), 1(b) of Explosive Act 1884 & u/s 286 IPC 9(B) 1(b) Act 1884 r/w 5 of Explosive Substances Act 1908 in W.L.O.R.No. 11/2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found inside the reserve forest area in a suspicion manner and that he was found in possession of 9 country made bombs. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an adjacent land owner and that he was arrested on suspicion and that he has no previous case as against him. Hence, he seeks to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner was found inside the reserve forest area in a suspicion manner and that he was found in possession of 9 country made bombs and he had attempted to use these bombs to hunt the wild boar in the forest. He would further submit that as far as this petitioner is concerned there are no previous cases.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the fact that the petitioner has not involved in any previous case, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of District Forest Officer Vellore Division A/C No.32336276595, SBI Bank, Sathuvacheri Branch, Vellore, in order secure the wild animals life and on such deposit the petitioner is ordered to be released on bail on condition to 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 and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate III, Vellore, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 everyday at 10.30 a.m. until further orders.

(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.

-sd/-

12/08/2020

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.III, VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE FOREST RANGE OFFICER,
ODUGATHUR RANGE, ODUGATHUR,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, THORAPADI,
VELLORE.

5 THE DISTRICT FOREST OFFICER
VELLORE DIVISION A/C NO.32336276595,
DBI BANK, SATHUVACHERI BRANCH,
VELLORE.

CC to M/S.D.RAJAGOPAL Advocate on payment of necessary charges

CRL OP.11599/2020

Date :12/08/2020

RVR 15/09/2020