

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. Nos. 11767 & 12036 of 2020

Sreenivasan,
S/o. Thilaikannu,
Kattumayilur,
Vridhachalam,
Cuddalore District.

..Petitioner in Crl.O.P. No. 11767/2020

Manikandan,
S/o. Thilaikannu,
Kattumayilur,
Vridhachalam,
Cuddalore District.

..Petitioner in Crl.O.P. No. 12036/2020

Vs.

S.H.O. Forest Department,
Vridhachalam,
Cuddalore District.

..Respondent in both the petitions
/ Complainant

(WLOR No. 2 of 2020)

Common Prayer: Criminal Original Petitions filed for anticipatory bail under Section 438 of Criminal Procedure Code.

(In all petitions)

For Petitioners : Mr. A.K. Rajaraman

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

COMMON ORDER

The matter is heard through video-conferencing.

The petitioners, who apprehend arrest at the hands of the respondent Police for alleged offence punishable under Sections 224, 506(ii), 307 of I.P.C. and Section 2, 9, 39, 44(b), 50, 51 of Wildlife Protection Act, 1972, in WLOR No. 2 of 2020, seek anticipatory bail.

2. The case of the prosecution is that, on 19.04.2020 at about 6.30 a.m., when the de-facto complainant, the Forest Officer was on patrolling duty in Kaatumayilur, Virudhachalam Forest area, the de-facto complainant found that the petitioners and other accused have cut the meat of spotted deer and

loaded the same in gunny bags. On seeing the de-facto complainant, the petitioners ran away along with meat in the gunny bags. A3 was arrested and a knife and Honda Activa two wheeler bearing Registration No. TN 91 T 8116 were seized. On complaint, a case has been registered under Sections 224, 506(ii), 307 of I.P.C. and Section 2, 9, 39, 44(b), 50, 51 of Wildlife Protection Act, 1972.

3. The learned counsel appearing for the petitioners/accused submitted that the petitioners were only standing to collect water from the local bore well. The petitioner in Crl. O.P. No. 11767 of 2020 is a member of Panchayat Council and the petitioner in Crl. O.P. No. 12036 of 2020 is a social activist and have participated in many protests against the anti-social moves of various departments. In view of the same and due to political vengeance, the petitioners, who are innocent, are falsely implicated in this case and they have not committed any offence as alleged by the prosecution. The learned counsel appearing for the petitioners further submitted that charge sheet is already filed and no offence against the petitioners has been proved. In view of the change of circumstances, he prayed for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners are involved in many cases of similar nature. The petitioners and other accused have committed a serious offence by hunting the spotted deer, which is an endangered species. On seeing the Forest Officers, the petitioners, who are A1 and A2, ran away and are absconding. A3 was arrested and granted bail on 23.06.2020. If the petitioners are granted anticipatory bail, they will continue to indulge in committing similar offence and hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the date of occurrence, this Court 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 their arrest or on their appearance within 15 days from the date of receipt of a copy of this order before the Court of the Sessions, Cuddalore, Cuddalore District, on condition that the petitioners shall each 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 Sessions Judge, Cuddalore, Cuddalore District, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioners and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioners shall report before the respondent Police daily at 10.30 a.m, until further orders.

(iii) the petitioners shall not abscond either during investigation or

trial. The petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioners thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

7. Accordingly, these Criminal Original Petitions are allowed.

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31.08.2020

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Index : Yes / No

Internet : Yes / No

To

1.S.H.O. Forest Department,
Vridhachalam,
Cuddalore District.

2.The Judge,
Sessions Court,
Cuddalore, Cuddalore District.

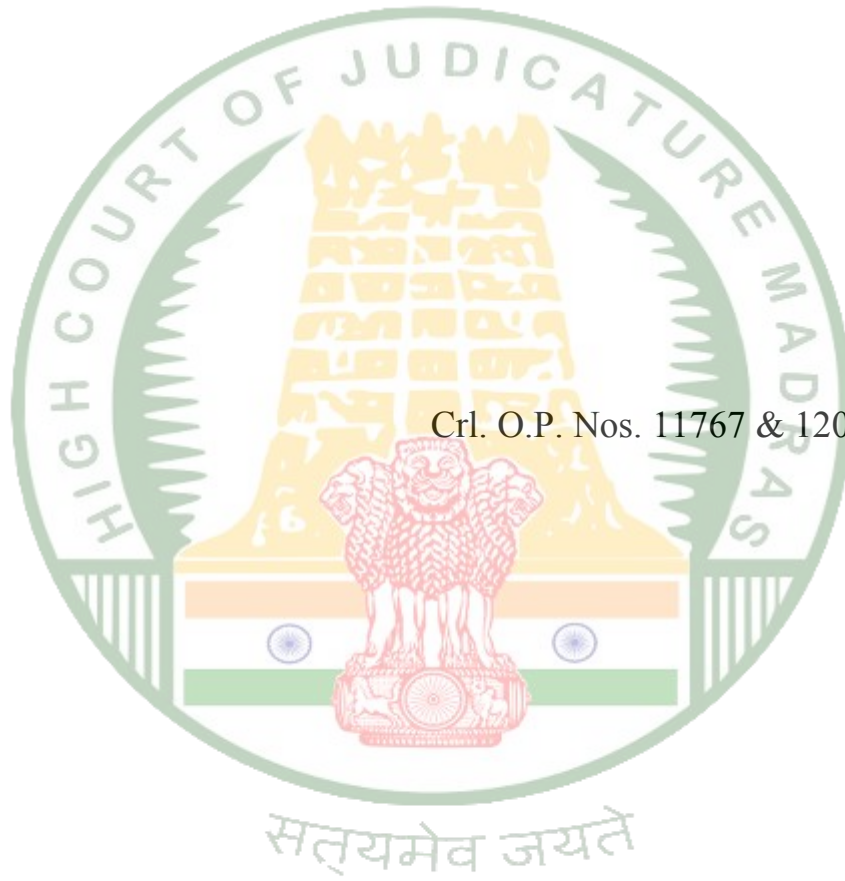
3.The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

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