

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

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

Crl.O.P.No.13458 of 2020

Senthil

... Petitioner

Vs.

The State Rep. by
The Investigation Officer,
Forest Range Officer,
Sirkazhi,
Nagapattinam District,
W.L.OR.No.04 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of arrest pending Investigation in W.L.OR.No.04 of 2020 on the file of the Investigation Officer, Forest Range Officer, Sirkazhi, Nagapattinam District.

For Petitioner : M/s.Greetha Senthilkumar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 2(5), 16(a)(36)(37), 9, 50, 51, 39, 56 & 57 of the Wild Life Protection Act 1972, in W.L.OR.No.04 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.07.2020, the petitioner along with other accused poached a Monitor Lizard alive and killed it and cooked its meat. Hence the complaint.

3.The learned counsel for the petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would submit that A2 was arrested and released on the bail. The petitioner has been implicated based on the confession recorded from A2. Hence, he seeks to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that there are totally two accused persons, in which the petitioner is arrayed as A1. He would further submit that the petitioner along with the other accused had poached a Monitor Lizard and killed it and

cooked its meat. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In order to curb the cruel activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to donate/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to 'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172 without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to pay a sum of Rs.10,000/- either through RTGS/NEFT or in cash in favour of 'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172 within four weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of payment of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.

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

-sd/-
02/09/2020

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.I,MAYILADUTHURAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INVESTIGATION OFFICER,
FOREST RANGE OFFICER,
SIRKAZHI, NAGAPATTINAM DISTRICT.
W.L.OR.NO.4/2020

4 THE SECRETARY,
THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK,

CC to M/S.GREETHA SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.13458/2020

Date :02/09/2020

RD 14/09/2020