

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 16093 of 2020

1. R. Tamilarasan
2. Loganathan

... Petitioners

Vs.

State rep. by
The Forest Range Officer,
O/o. Attur Forest Range,
Salem District.
(W.L.O.R. No.07 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in W.L.O.R. No.07 of 2020, pending on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 39(b) and (d) of Wild Animal Protection Act, 1972, seek anticipatory bail.

2. The case of the prosecution is that on 29.09.2020, on secret information, the respondent went to the 1st petitioner's house along with Village Administrative Officer and Panchayat Secretary and on search, he was in possession of 1 kg. of Deer meat, a big knife and a big shopper bag. After that, the respondent went to the 2nd petitioner's house and on search, he was also found in possession of 100 gms. of Deer meat. Hence, the present complaint.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case due to enmity in the village. He would submit that the petitioners have not committed any offence and without prejudice, they are prepared to pay some amount to any charitable institution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would vehemently opposed stating that on information, the respondent has searched the house of the petitioners and found that they are in illegal possession of Deer meat. Hence, he has opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Attur, on condition that the petitioners shall pay a cost of Rs.5000/- each to Madras High Court Advocates Clerks Welfare Association, Indian Bank, High Court Branch, S.B. A/c. No.484077244, IFSC Code No.IDIB000M157 and they 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 conditions that:

(b) the petitioners and 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;

(c) the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigating or trial;

(f) 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];

(g) 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/-

09/10/2020

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, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER,
O/O.ATTUR FOREST RANGE,
SALEM DISTRICT.

5 MADRAS HIGH COURT ADVOCATES
CLERKS WELFARE ASSOCIATION,
INDIAN BANK, HIGH COURT BRANCH,
S.B. A/C. NO.484077244,
IFSC CODE NO.IDIB000M157

CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.6778

CRL OP.16093/2020

Date :09/10/2020

RVR 21/10/2020