

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17841 of 2020

1.Murali BalanPadikkal

2.D.Dominic Sebastian

... Petitioners

Vs.

The State Represented by,
The Forest Range Officer,
Pandalur Range,
Valavayal,Devala-643 212,
The Nilgiris.

(W.L.O.R.No.7 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to grant anticipatory bail to the petitioners in the event of their arrest in W.L.O.R.No.7 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.Veera Raghavan

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 2(16)(c), 9, 39(1) (2)(3), 50 and 51(1) of the Wild Life (Protection) Act 1972 in W.L.O.R.No.7 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.10.2020, at about 9 a.m., the respondent received information that a 5 years old male leopard was found dead with injuries in the left thigh inside the

estate premises of the petitioners. Thereafter the post-mortem was conducted and it was found that due to a bullet injury the leopard had died. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that the petitioners are respectively the Senior General Manager and Manager of the Parry Agro Industries Limited. The Parry Agro Industries Limited, Mango Range Group is comprised of two tea estates namely Carolyn Estate and Attikunna Estate situated in Nelliyalamat Nilgiris District and 700 workers were employed in both estates. He further submitted that on 27.10.2020, one male leopard was found alive lying with injuries in the Tea field No. 6 of GLN Division of Attikunna Estate. The Company workers and staff left the spot immediately for safety to a higher area of the Field and intimated to the Management and the second petitioner is the person who had intimated it to the respondent. He further submitted that the respondents are stated to have found and confiscated one Air Gun in nearby Chelakunnu Village. The petitioners are not the owners of the gun. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that 5 a five years old male leopard was found dead with injuries in the left thigh on the rear side. He further submitted that on 30.10.2020, a summon was issued to the petitioners to appear before the Pandalur Forest Range Officer. However, they have not appeared for enquiry and they have not co-operated with the enquiry. He further submitted that 3 months back, a male elephant was found dead in the vicinity with bullet wound. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Pandalur**, on condition that each of the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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]**.

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

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

-sd/-
10/12/2020

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, PANDALUR

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER,
PANDALUR RANGE, VALAVAYAL,
DEVALA-643 212, THE NILGIRIS.

+1 CC to M/S.C.VEERA RAGHAVAN Advocate on payment of necessary
charges SR.NO.8094

CRL OP.17841/2020

Date :10/12/2020

GKS:30/12/2020



WEB COPY