

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18601 of 2020

Derock Antoine Gabriel

... Petitioner

Vs.

State represented by  
Forest Range Officer  
Forest Range Office  
Namakkal  
(WLOR No.9 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in WLOR No.9 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Sasindran

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 offences punishable under **Sections 2(2), 11, 39(1-b)(2), 48, 50, 51 of Wild Life Protection Act and Schedule-I, Part-I, 12-B of Elephas Maximus** in WLOR No.09/2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that one Vijayakumar and Naveen were found in possession of two Ivory Tusks and they were arrested. On enquiry, they had stated that the petitioner had handed over the Ivory Tusks to them for sale. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this

case based on the confession of A1. He would submit that except the fact that A1 was working in his house, he has nothing to do with the alleged offence. He would further submit that the petitioner is a retired Military Officer who has served in French Army and he is prepared to appear before the respondent for enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 and A2 were found in possession of two Ivory Tusks and during enquiry, it was found that the petitioner had handed over it to them for sale in the open market. He would submit that A1 and A2 were arrested and released on bail and that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail.

5. Heard the learned Counsels and perused the materials placed on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Tiuruchengode**, on condition that the petitioner 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 condition that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for two weeks and thereafter, every Monday at 10.30 a.m., until further orders.

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

[d] the petitioner 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 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]**.

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

-sd/-  
15/12/2020

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,  
THIRUCHENGODE

2 THE CHIEF JUDICIAL MAGISTRATE,  
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 FOREST RANGE OFFICER,  
FOREST RANGE OFFICE, NAMAKKAL

+1 CC to M/S.K.SASINDRAN Advocate on payment of necessary charges SR.NO.8221

CRL OP.18601/2020

Date :15/12/2020

GKS:04/01/2021

WEB COPY