



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.5936 of 2020

1. Kannan
2. Subash @ Sundaralingam
3. Balakrishnan

... Petitioners/Accused No.2,3 & 4

Vs

The State rep. by
The Forest Ranger,
Boothapandi Forest Range Office,
Kanyakumari District
(Crime No. Wlor No.11 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Palani Velayutham,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To pass an order directing the petitioners to be released on bail in connection with crime no.WLOR no.11 of 2020 on the file of the Forest Ranger, Boothapandi Forest Range Office, Kanyakumari District forthwith and thus render justice.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners are in custody since 29.04.2020 for the offences punishable under Sections 9, 27, 39, 44(b), 51 and 52 of Wild Life Protection Act and also Section 21(d) of Tamil Nadu Forest Act, in Crime No.WLOR No.11 of 2020, on the file of the respondent
police station. The court grants bail.



3.The learned Government Advocate(Crl.side) points out that the animal was killed by the petitioners. Though the crime committed by the petitioners is serious, I have take note of the fact that they are very young.

4.The learned counsel for the petitioners also informs me that considering the petitioners' age, they were detained only to the Borstal School Campus.

5.I only hope that the petitioners' counsel will suitably advise them in this regard.

6. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall be released on own bond by the concerned Judge without insisting on sureties. However, the petitioner is directed to 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 learned Special Judge for Forest Cases/the Principal Sessions Judge, Kanyakumari Division at Nagercoil, after the concerned Court is reopened on regular basis.

[ii] the petitioners shall report before the respondent police for interrogation, as and when required.

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

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

[v] On breach of any of the aforesaid conditions, the learned 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 Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
12/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purpose, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SPECIAL JUDGE FOR FOREST CASES/THE PRINCIPAL SESSION JUDGE,
KANYAKUMARI DIVISION AT NAGERCOIL.
- 2 THE FOREST RANGER
BOOTHAPANDI FOREST RANGE OFFICE,
KANYAKUMARI DISTRICT.
- 3 THE OFFICER INCHARGE
BORSTAL SCHOOL,
KUZHITHURAI.
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLICPROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5936 of 2020

Date :12/06/2020

PD/JC/SAR 2/15.06.2020/3P/5C