



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6636 of 2020

C.Paramesh

... Petitioner/Accused No.7

Vs

The State Rep. by
The Forest Range Officer,
Boothapandi Range,
Boothapandi,
Kanyakumari District.
(WLOR No.15/2020).

... Respondent/Complainant

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

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Bail in WLOR.No.15/2020 on the file of the Forest Range Officer, Boothapandi Range, Boothapandi, Kanyakumari District.

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence punishable under Sections 2,39,51,52 of Wild Life Protection Act 1972.

2. The petitioner herein was arrested for the alleged offence of trespassing into the reserve forest for hunting Indian Flap Shell Turtle, Wild dog, mountain snake and Monitor Lizard. They have hunted the protective species, cooked and also posted photos in the social media. Based on the confession given by the co- accused this petitioner was arrested by the respondent police.



3. The learned counsel for the petitioner would submit that co-accused in this case was released on bail and only this petitioner is still in prison.

4. The learned Additional Public Prosecutor would submit that four more accused are yet to be secured. He would also submit that since the petitioner along with other accused involved in hunting protective species he is not entitled for bail.

5. Considering the rival submission and also the fact that other accused have been released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for Forest Cases, Nagercoil, Kanyakumari District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report to the respondent daily at 10.30 a.m., till 15.07.2020.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

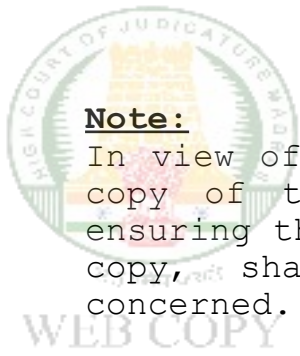
v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
29/06/2020

/ 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 purposes, 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,
NAGERCOIL, KANYAKUMARI DISTRICT
2. THE FOREST RANGE OFFICER,
BOOTHAPANDI RANGE,
BOOTHAPANDI,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE OFFICER IN-CHARGE,
DISTRICT JAIL,
NAGERCOIL, KANYAKUMARI DISTRICT.

ORDER
IN
CRL OP(MD) No.6636 of 2020
Date :29/06/2020

AAV
TE/VR/SAR-III : 29/06/2020 : 3P/5C