



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 21/07/2020

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD). No.7349 of 2020

Mayakrishnan

... Petitioner/Accused No.3

Vs

The State rep.by  
The Forest Range Officer,  
Boothapandi Range,  
Boothapandi,  
Kanyakumari District.  
WLOR.No.15 of 2020

... Respondent/Complainant

For Petitioner : Mr.S.Palani Velayutham,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in WLOR.15 of 2020 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 2, 39, 51 and 52 of Wild Life Protection Act, 1972 in WLOR No.15 of 2020 on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and seven others had gained entry into the forest area and they hunted Indian Flap Shell Turtles and Monitor Lizard and subsequently cooked and ate. Based on the confession statement given by the 2<sup>nd</sup> accused in this case and photos found in the cell phone of the said accused, the petitioner got to be implicated in the present case as co-accused and his rank had been made as A3. Hence, the crime has been registered.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is no way connected with the above said allegation and he has been roped into the said crime with mala-fide intention and also with an ulterior motive and the overt-act attributed to him is also not attracting the said provisions of law. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl.side) submitted that the petitioner and other accused hunted one Monitor Lizard, and Turtles and they cooked and ate. Based on the confession statement given by A2, the petitioner implicated in this case and arrayed as A3. He further submitted that other co-accused arrested and released on bail by the Special Court for Forest Offence Cases and this Court.

6. Considering the facts and circumstances of the case and considering the fact that other co-accused had already been released on bail, I am 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 her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Special Judge for Forest Offence Cases, Nagercoil, Kanyakumari District, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 as and when required for interrogation.

(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 or the Special 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
21/07/2020

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/ /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 OFFENCE 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.

ORDER  
IN  
CRL OP(MD) No.7349 of 2020  
Date : 21/07/2020

VSD  
TK/PN/SAR.2/23.07.2020/3P/4C