



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7688 of 2020

Balan @ Balamurugan

... Petitioner/ Petitioner/
Accused No.6

Vs

State Rep.by
The Forest Range Officer,
Boothapandi Range, Boothapandi,
Kanyakumari District.
(WLO.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 WLO No.15 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A6, apprehending arrest at the hands of the respondent police for the offence punishable under sections 2, 39, 51 and 52 of Wild Life Protection Act, 1972 in WLO 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 2nd 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 A6. 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 seeks 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 A6. He further submitted that other co-accused/A7 granted anticipatory bail by this Court in Crl.O.P(MD)No.7349 of 2020.

6. Considering the facts and circumstances of the case and considering the fact that other co-accused/ A7 granted anticipatory bail by this Court, 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 his 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/ 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]; and;

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

sd/-
28/07/2020

/ 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 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.7688 of 2020
Date :28/07/2020

MS/PN/SAR-2/31.07.2020/3P.4C