



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

Date : 06/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10690 of 2020

S.Nanthagopal

... Petitioner/Sole Accused

Vs

The Forest Range Officer,
Cumbum East,
Theni District.

... Respondent/Complainant

For Petitioner : Mr. A.G.Senthilkumar,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

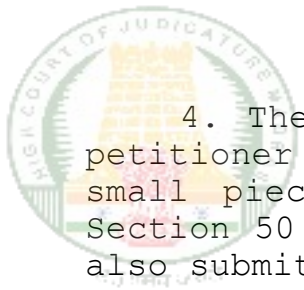
For Bail in OR No. 02 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 14.09.2020 for the alleged offences under Sections 31(a), 31(b), 31(c), 9, 49, 49(A), 49(b), 50(1)(a)(b)(c) and 51 of Indian Wild Life Protection Act.

2. The case of the prosecution is that the petitioner and others were found in possession seized 4 nos antlers, small piece of ivory and tiger claw, which is punishable under Sections 50 and 51 of the Indian Wild Life Protection Act.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that no previous case is pending against the petitioner and 4 nos antlers, small piece of ivory and tiger claw were seized by the respondent police. He would submit that the petitioner is jail for nearly 22 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that petitioner and others were found in possession seized 4 nos antlers, small piece of ivory and tiger claw, which is punishable under Section 50 and 51 of the Indian Wild Life Protection Act. He would also submit that no previous case is pending against the petitioner.

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5. Taking note of the above facts and circumstances of the case and also taking note of the fact that 4 nos antlers, small piece of ivory and tiger claw were seized by the respondent police and also taking note of the fact that no previous case is pending against the petitioner and also taking into consideration the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam.

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 before the respondent police daily at 10.30 a.m until further orders.

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/-
06/10/2020

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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.

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1.THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3.THE OFFICER INCHARGE,
SUB-JAIL, VIRUDHUNAGAR.

4.THE FOREST RANGE OFFICER
CUMBUM EAST, THENI DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr. A.G.Senthilkumar, Advocate, SR.No.6824

ORDER
IN
CRL OP(MD) No.10690 of 2020
Date :06/10/2020

AAV
AE/AKM/SAR-III (07.10.2020) 3P 7C