



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

Date : 07/12/2020

PRESENT

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

CRL OP(MD) . No.14172 of 2020

Praveenkumar

... Petitioner/Accused No.3

Vs

State Rep.by
The Forest Range Officer,
Forest Range Office,
Tirupathur,
Sivagangai District.
Crime/WLOR No.17 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Ayyanar Prem Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime/WLOR No.17 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 9, 39, 50 and 51 of Wild Protection Act, 1972, in Crime/WLOR No.17 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with two other persons hunted two peacocks with country made gun.

3.The learned counsel for the petitioner submitted that totally three accused and the petitioner arrayed as A3. A1 and A2 were arrested and released on bail. The petitioner is nothing to do with the case as alleged by the prosecution.



4.The learned Government Advocate (Crl. Side) submitted that there are totally three accused and the petitioner arrayed as A3. When the forest official were on their routine checkup, they found that the petitioner along with A1 and A2 were hunting peacocks. Hence, the respondent arrested A1 and A2 and also recovered two peacocks from them. At the time of arrest of A1 and A2, the petitioner escaped from the place of occurrence with country made gun. He further submitted that investigation in this case is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the peacocks were recovered and A1 and A2 were released on bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirupatthur, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, 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 should hand over the country made gun, which was used for hunting peacocks.

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



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

sd/-
07/12/2020

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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 JUDICIAL MAGISTRATE,
THIRUPATTHUR, SIVAGANGAI.

2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3.THE FOREST RANGE OFFICER,
FOREST RANGE OFFICE,
TIRUPATTHUR, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-7981[I] dated 08/12/2020)

ORDER
IN
CRL OP(MD) No.14172 of 2020
Date :07/12/2020

IAS
MS/PN/SAR-IV (09.12.2020) 3P / 6C