



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP (MD) No.14754 of 2020

K.Ramar

... Petitioner/Accused No.3

Vs

State through
The Forest Officer,
Forest Station,
Tuticorin.
(O.R.No.05/2020).

... Respondent/Complainant

For Petitioner : M/s.Ka.Raamakrishnan,
Advocate.

For Respondent : Mrs.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

To grant Anticipatory Bail in O.R.No.05 of 2020 on the file of the Forest Officer, Forest Office, Tuticorin, Tuticorin District, and direct the Respondent to release the Petitioner/Accused on bail in the above Anticipatory bail.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 2, 39(1), (a), (b), (d), 39(3), (b), (c), 40(2), 49A(a), (b), 50, 51(1), 52 of Schedule 1 part II of the Wild Life Protection Act, 1972, in O.R.No.05 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The learned Government Advocate (Crl.side) made a submission that the ivories found with the possession of the accused persons were recovered. A1 and A2 were also arrested.



4. Considering the facts and circumstances of the case and also considering the fact that the ivories found with the possession of the accused persons were recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tuticorin District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 twice a day ie., on morning at 10.00 a.m., and evening at 06.00 p.m., for a period of four weeks and thereafter, morning at 10.00 a.m., for a period of another four weeks and therefrom, 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE No.III,
TUTICORIN, TUTICORIN DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE FOREST OFFICER,
FOREST STATION,
TUTICORIN.

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

ORDER

IN

CRL OP (MD) No.14754 of 2020

Date :16/12/2020

NS

TE/SMA/SAR-III : 21/12/2020 : 3P/5C