

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3994 of 2021

1 SAKTHI @ SAKTHIVEL
2 SUNDARAM

[PETITIONER/ACCUSED]

Vs

STATE REP.BY
THE FOREST RANGER,
BHAVANI TALUK,
ERODE DISTRICT.
O.R.NO.02/2021.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 2(1b), 21(d), 4,9 and 39 of Forest Act 1972 in O.R.No.02 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The petitioner is the sole accused in this case. It is alleged that the petitioner killed a deer and he was trying to transport 2 buckets of deer meat weighing 4.7 kgs. Hence, the respondent police registered the case against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public prosecutor would submit that the petitioner violated the Forest Act 1972 and killed a Deer and tried to transport the deer meat in two buckets which weigh about 4.7 kgs approximately. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that they have no bad antecedents, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Mettur Dam, Salem 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 daily at 10:30 a.m for a period of two weeks and thereafter 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions this criminal original petition is ordered.

-sd/-
01/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
METTUR DAM, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE FOREST RANGER,
BHAVANI TALUK,
ERODE DISTRICT.

+1 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.NO.2691.

CRL OP.3994/2021

Date :01/03/2021

EP-10/03/2021