

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4270 of 2021

GANESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANAIMALAI POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.616 OF 2020.

[RESPONDENT]

For Petitioner : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : MR.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 at the hands of the respondent police for the alleged offences punishable under Sections 25(1-B), (a) and 27 of Arms Act, 1959, in Crime No.616 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that petitioner was found in possession of un-licenced gun for hunting "Sambar Deer" in Anaimalai Tiger Reserve Forest. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the said offence and he has been unnecessarily implicated in this case. He would further submit that co-accused has already been granted anticipatory bail by this Court in CrI.O.P.No.19725 of 2020 dated 05.01.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner was earlier arrested for offence under the Wild Life Act for the offences under Sections 21(b), 2(20), 2(2), 2(35), 39(1), 39(2), 39(3), 50, 51(1), 51(2) and 51(3) for hunting a Sambar Deer and thereafter, released on bail. Now, possessing a unlicenced gun used for

committing the very same offence, the present case has been registered. He would further submit that co-accused has already been granted anticipatory bail by this Court in CrI.O.P.No.19725 of 2020 dated 05.01.2021.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and submissions of the learned Counsel as the petitioner was already arrested and released on bail for hunting, and this case has been registered only for possessing a gun, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate-I, Pollachi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed 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 daily at 10.30 a.m., for the 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.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/03/2021

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,
NO.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAIMALAI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.2881

CRL OP.4270/2021

Date :04/03/2021

TA-23/03/2021

WEB COPY