

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4885 of 2021

AND CRL.M.P.No.3886 of 2021

M.RICKY RAYON

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE FOREST RANGE OFFICER,
SINGARA, SINGARA RANGE,
THE NILGIRIS.

[RESPONDENT]

For Petitioner : M/S.BHASKAR for M/S.S.R.KALYANI Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

For Intervenor : M/S.A.M.KAMALANATH for M/S.K.S.ADVOCATES Advocate

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 offence punishable under Section 9 read with Section 2 (16) and Sections 50, 51 and 52 of the Wild Life Protection Act, 1972, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 19.01.2021 a wild elephant had entered in to the house of the accused and had damaged the compound wall and that the Indian Forest elephant was chased away by the accused persons and thrown the fire balls due to which, the Elephant sustained grievous injuries on his ears due to which, the Elephant was bleeding continuous and died on 20.01.2021. Hence, the complaint.

3.Mr.L.Bhaskar, learned counsel appearing for the petitioner would submit that the petitioner is arrayed as 3rd accused in this case and this is the 2nd application for anticipatory bail. He would further submit that earlier he had filed an application before the Sessions Court,

Udhagamandalam and since, the Sessions Court had dismissed the application, thereby, the present application has been filed before this Court. He would submit that the petitioner was not at all available at the scene of occurrence and he was not the reason for the death of the Elephant. He would submit that since, the petitioner is the owner of the property, he has been falsely implicated in this case and that he is no way connected with this offence. The learned counsel would further submit that the petitioner has constructed the property after getting proper approval from the appropriate authorities. Hence, he prays for grant of anticipatory bail to the petitioner.

4.M/s.K.S.Advocates, learned counsel appearing for the intervenor would submit that the petitioner is the brother of the main accused and he was also available at the scene of occurrence. He would submit that the UCM is a congregation of 72 registered Non-Governmental Organizations, created with a main objective of protecting and preserving the Forest Environment of the Western Ghats Region. In addition to that the UCM, assists the State and Central Governments in drafting and enacting the environment policy notes and laws and that the UCM is comprised of intellectual individuals from the plethora of fields including environmental science, veterinary science, politics, entertainment etc. He would further submit that while they being an Non Governmental Organization, operating in the remote wild life areas of the Western Ghats areas with necessary permissions from the concerned authorities in rescuing the injured and preserving the endangered wild lives, through numerous research it was found that the most of the injured wild animals are in the human-animal conflict and that there was never a case of an animal attack against the preserved and protected Schedule Tribes of the Nilgiris District but rather 98% of the human animal conflict occurs in the illegal encroachments that lies in the usual pathways of the wild animals.

5.The learned counsel would further submit that the petitioner along with his brother (Co-accused) was known in the Nilgiris District for their notorious activities against the protected Tribal people and the Wild animals. He would submit that the acts of the petitioner against a fatherly elephant which strived to protect its horde from the petitioner and his aides, as seen in the video, taped by the aides of the petitioner circulated widely in the Social Media sites, shows the inhumane and ghastly nature of atrocities committed by the petitioner resulting in the burn death of the 40 year old male elephant (tusker) warrants the highest level punishment under law. He would further submit that it is pertinent to note that as per the elephant census of the year 2019, conducted by the Ministry of Forest and Environment, the ratio of male to female elephant is declining day by day and the current ratio stands at 1 male to 25 female elephant in the wild and 5 male to 25 female in the captivity. Hence, he would vehemently oppose for grant of anticipatory bail to the petitioner.

6.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the main accused in this case have been arrested and they are still in custody. He would submit that the petitioner

has constructed the house where the elephant was killed, without proper permission from the authorities and that he has utilized the same for commercial purpose. On the date of occurrence, the other accused persons had thrown the fire balls on the elephant due to which, the elephant sustained grievous injuries and later succumbed to the injuries. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

7.It is seen that the elephant has entered in to the house of the petitioner situated at the Elephant Corridor. The petitioner claims that he had purchased the property in the year 2007 and had constructed the house after obtaining necessary permission from the authorities concerned. However, since the elephant was found to be killed by the other accused persons at the place of the petitioner and that the arrested accused are still in custody, this Court is not inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

-sd/-
17/04/2021

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 FOREST RANGE OFFICER,
SINGARA, SINGARA RANGE, THE NILGIRIS.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.R.KALYANI Advocate on payment of necessary charges
SR.NO. 4994

CRL OP.4885/2021 &
CRL MP.3886/2021

Date :17/04/2021

MN-10/05/2021