

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.7383 of 2021

1 DURAI @ T.S.ARUCHAMY
2 THILAGAVATHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY,
THE FOREST RANGE OFFICER,
BOLUVANPATTI FOREST OFFICE,
BOLUVANPATTI FOREST RANGE,
COIMBATORE DISTRICT.
(W.L.O.R.NO.01/2021)

[RESPONDENT]

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

For Respondent : M/S. R.ANEESAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 and 51 of Tamil Nadu Wild Animal Protection Act 1972, seeks anticipatory bail.

2. This is the second anticipatory bail petition. The case of the prosecution is that the petitioner is the lessee of the land and in order to protect wild animals from entering into his land, he erected illegal power fence without proper permission from the forest department, which resulted in the death of the wild animals. Hence, the criminal case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is 65 years old man and he is suffering heart ailment and admitted in the hospital in serious condition in Kongunadu Hospital, Coimbatore and he has also shown the medical report. He would further submit that co-accused in this case has already been released on bail. Hence, prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent seriously opposed the petition contending that, since the petitioner put up electrical fence illegally, the elephant electrocuted. submitted that he has no instruction.

5. Taking note of the facts and circumstances and also considering the medical condition of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

(a) The petitioner is ordered to be released on bail in the event of his arrest or his appearance before the learned Judicial Magistrate No.V, Coimbatore, on condition that the petitioner shall execute a separate 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, and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 as and when required for the 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 petitioners 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]

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

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

-sd/-
30/04/2021

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 JUDICIAL MAGISTRATE,
NO.V, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGE OFFICER,
BOLUVANPATTI FOREST OFFICE,
BOLUVANPATTI FOREST RANGE,
COIMBATORE DISTRICT.

+1 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.No.5740

सत्यमेव जयते

CRL OP.7383/2021

Date :30/04/2021

cs 27/05/2021

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