

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7799 of 2021

KANAGARAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
FOREST RANGE OFFICER,
UDUMALPET RANGE,
TIRUPPUR DISTRICT.
(W.L.O.R.NO.2 OF 2021)

[RESPONDENT]

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

For Respondent : MR. T.SHUNMUGARAJESWARAN,
Govt. Advocate (Crl. Side)

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 under Section 9 and 51 of Wild Life Protection Act, 1972, in W.L.O.R. No.2 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner kept the poison rice in his garden. One peacock entered into the field and consumed the rice and died. Hence, the respondent police has registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has no knowledge about the alleged offence and he kept the rice to avoid hens and cocks which was damaging the crops. The learned counsel, on instructions, would submit that the petitioner is ready to deposit a sum of Rs.25,000/- in favour of the District Medical Officer, Government Hospital, Thiruppur, for

treating Covid-19 patients. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner kept the poison rice for the hens and cocks which was damaging the crops of the petitioner. One peacock died for consuming the rice.

5. Considering the facts and circumstances of the case and the submissions made on either side, I am inclined to grant anticipatory bail to the petitioner on certain 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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Udumalpet, 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 and on further condition that:

(a) the petitioner is directed to deposit a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) as non-refundable deposit either through RTGS/NEFT or in cash or demand draft in favour of **the District Medical Officer, Government Hospital, Tiruppur** for the treatment of COVID-19 patients, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]**; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

26/04/2021

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.I
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. (FOR INFORMATION)

3 THE FOREST RANGE OFFICER,
UDUMALPET RANGE,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

5 THE DISTRICT MEDICAL OFFICER,
GOVERNMENT HOSPITAL, TIRUPPUR. सत्यमेव जयते

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.No. 5374

WEB COPY

CRL OP.7799/2021

Date :26/04/2021

RG.07.05.2021