

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8510 of 2021

1 SATHISH
2 KARTHIK @ MURTHY

[PETITIONERS / ACCUSED]

Vs

THE STATE BY
FOREST RANGE OFFICER,
SATHYAMANGALAM FOREST RANGE,
SATHYAMANGALAM TIGER RESERVE,
ERODE DISTRICT.
(O.R.NO.2/2021)

[RESPONDENT]

For Petitioner : M/S.I.C.VASUDEVAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 27(4), 29(1), 39(1)(a), (b) and (d), 50, 51 of Wild Life Protection Act, 1972, under Sections 5, 21(d) and (h) of Tamil Nadu Forest Act V, 1982 in Wild Life O.R.No.2 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused have trespassed into the Reserved Forest Area and hunted a Deer (Sambar) and shared the meat among them.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners were are not in the scene of the crime. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the investigation is pending and hence, opposed grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, each of the petitioners is directed to deposit a non-refundable sum of Rs.5,000/- (Rupees five thousand only) each to the credit of O.R.No.2 of 2021, within a period of three weeks from the date on which the order copy is made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Judicial Magistrate Court, Sathyamangalam on condition that each of 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

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

-sd/-

05/05/2021

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,
SATHYAMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 FOREST RANGE OFFICER,
SATHYAMANGALAM FOREST RANGE,
SATHYAMANGALAM TIGER RESERVE,
ERODE DISTRICT.

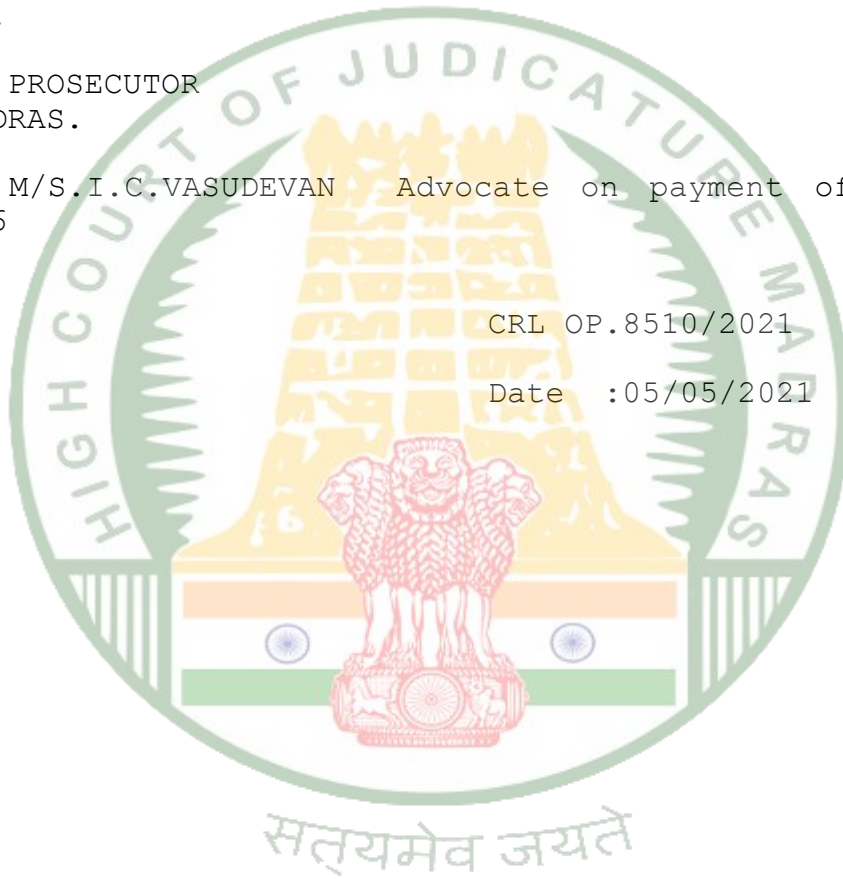
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.I.C.VASUDEVAN Advocate on payment of necessary
charges Sr.5766

CRL OP.8510/2021

Date :05/05/2021

RVR 13/05/2021



WEB COPY