

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8850 of 2021

A.AMMAIAPPAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED THROUGH [RESPONDENT]
THE RANGER OF FOREST,
NAMAKKAL FOREST RANGE,
NAMAKKAL.
FOREST LIFE CRIME NO.3 OF 2021

For Petitioner : M/S. P.MANIKANDAN Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government 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 offences punishable under Section 2 (16a), (36), 9, 39 (3c), 50, 51 of The Wildlife (Protection) Act 1972, in Forest Life Crime No.3 of 2021 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner killed nine peacocks by keeping poison. Hence, the case was registered by the respondent police.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the the petitioner killed nine peacocks by keeping poison. He further submits that investigation is pending and hence, opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the District Forest Officer, Namakkal Forest Range, Namakkal and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Judicial Magistrate Court, Paramthy, Namakkal District, 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, 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 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.

[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.

-sd/-

06/05/2021

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,
PARAMTHY, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE RANGER OF FOREST,
NAMAKKAL FOREST RANGE,
NAMAKKAL.

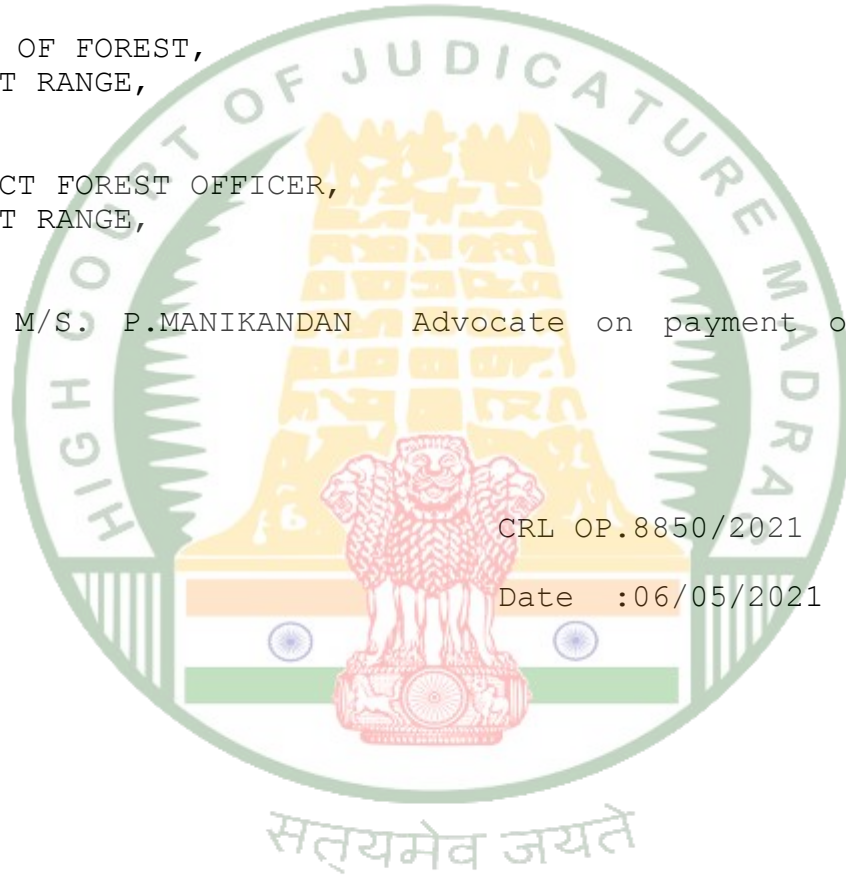
5 THE DISTRICT FOREST OFFICER,
NAMAKKAL FOREST RANGE,
NAMAKKAL.

CC to M/S. P.MANIKANDAN Advocate on payment of necessary
charges

CRL OP.8850/2021

Date :06/05/2021

cs 07/07/2021



WEB COPY