

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

Coram

The Honourable Mr. Justice G. CHANDRASEKHARAN

Crl.O.P.No.8990 of 2021

1.Raman
2.Murugan
3.Muthiyan

...Petitioners

Versus

The State rep. by
The Forest Range Officer,
Pennagaram,
WL.OR.No.02/2021,
Dharmapuri District.

...Respondent

This Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in connection with the case in WL.OR.No.02 of 2021 pending investigation on the file of the respondent Police.

For Petitioners: Mr.N.Manokaran

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioners were arrested and remanded to judicial custody on 11.04.2021 for the alleged offences punishable under Section 21(d)(h) of the Tamilnadu Forest Act, 1972 and Sections 2(1), 12(B), (16), (35), (36), 9, 39(a), 50 and 51 of the Wildlife (Protection) Act, 1972 and Section 25 (1) of the Indian Arms Act, 1959, in WL.OR.No.02 of 2021 on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that on 11.04.2021, the petitioners have hunted two deers using an unlicensed Gun.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were falsely implicated in this case. Assuming that the case of prosecution is correct, he would further submit that the punishment for the offence committed by the petitioners is 3 years imprisonment which may extend to 7 years and the petitioners have been in custody from 11.04.2021 and therefore, they seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that he has serious objection to the petition being allowed since the offence committed by the petitioners in this case

is against the precious wild animal and the same is classified under schedule offence for which, the punishment is 3 years imprisonment which may extend to 7 years. He would further submit that there was no previous case against the petitioners.

5. As far as this case is concerned, the offence committed by the petitioners is of serious nature for the reason that they have hunted two deers. However, considering the duration of the punishment prescribed and the prevailing COVID - 19 Pandemic situation and also taking note of the fact that the petitioners have been in judicial custody since 11.04.2021 and the witness in this case are official witnesses and material part of the examination of witness might have been over by this time, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail, on each of them executing a personal 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 learned Judicial Magistrate, Pennagaram and on further conditions that:

(a) the petitioners shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

(b) the petitioners shall not abscond either during investigation or trial.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) 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 are released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(e) If the petitioners/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/05/2021

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,
PENNAGARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE FOREST RANGE OFFICER,
PENNAGARAM,
DHARMAPURI DISTRICT.

4 THE SUPERINTENDENT,
DISTRICT PRISON, DHARMAPURI.

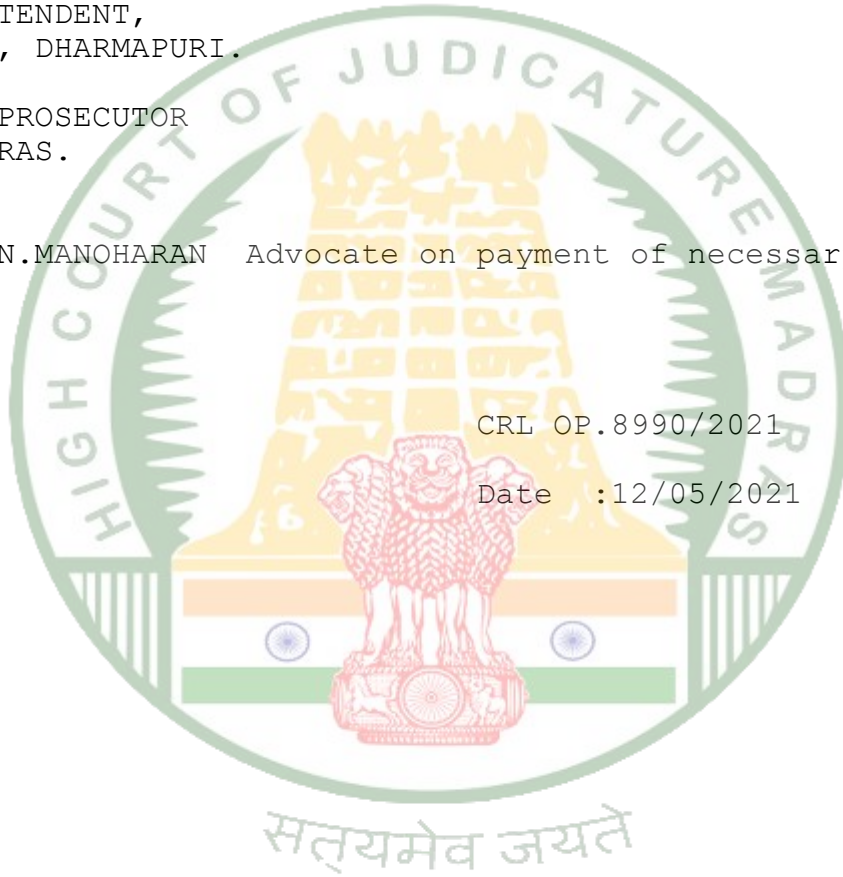
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.MANOCHARAN Advocate on payment of necessary charges

CRL OP.8990/2021

Date :12/05/2021

MN-13/05/2021



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