

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9162 of 2021

Jaisankar @ Jeysankar

..Petitioner/Single Accused

Vs.

State represented by
The Forest Ranger Officer
Thammampatty Range
Thammampatty, Salem District
(WLOR No.2 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in the hands of the respondent in WLOR No.2 of 2021 on the file of the Respondent.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under **Section 9 of Wild Life Protection Act, 1972 in WLOR No.2 of 2021** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that three Peacocks were found dead in the land of the petitioner. On enquiry, it was found that the petitioner had placed poisonous seeds in his land due to which, the Peacocks died. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would submit that infact the petitioner was cultivating Groundnuts in his land and 15 days prior to the occurrence, he had placed small quantity of rat poison to safeguard the Groundnuts from rats and that he had no intention to kill any other birds. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner had placed poisonous seeds in his land due to which, three Peacocks died. Hence, he opposed for grant of anticipatory bail.

5. Taking into consideration the above facts and circumstances of the case and the submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to pay a sum of **Rs.10,000/- (Rupees Ten Thousand Only) as non refundable deposit either through RTGS/NEFT/DD or by cash in favour of Vedanthangal Bird Sanctuary, Madurantakam.** On such payment, 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 on which the order copy made ready, before the **learned Judicial Magistrate-II, Attur,** 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 report 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/-
13/05/2021

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,
NO.II, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGER OFFICER,
THAMMAMPATTY RANGE,
THAMMAMPATTY,
SALEM DISTRICT.

5 THE VEDANTHANGAL BIRD SANCTUARY,
MADURANTAKAM.

CC to M/S T.GANESAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9162/2021

Date :13/05/2021

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