

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 10202 of 2021

Saravanan

... Petitioner/Accused No. 1

-vs-

State Rep. by its  
The Forest Ranger,  
Forest Office,  
Mettur,  
Salem District.  
(Crime No. 1 of 2010)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in C.C. No. 90 of 2013 on the file of J.M. No.1, Mettur.

For Petitioner : Mr. M.Subash

For Respondent : Mr. J.C.Durairaj,  
Counsel appearing for the Government

**ORDER**

**(The case has been heard through video conference)**

The Petitioner, who was arrested and remanded to judicial custody on 27.07.2019 for the offences punishable under Sections 9(1), 39(1)(2)(3), 40(2), 49, 51 and 52 of the Tamil Nadu Wild Life Act, 1972 and 21(d)(e)(f) of the Tamil Nadu Forest Act, 1882, in Crime No. 1 of 2010 pending investigation on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the Petitioner was already arrested and released on bail in the year 2010. Further, the Respondent/Police filed the charge sheet against the Petitioner before the Learned Judicial Magistrate Court No. 1, Mettur and the same was taken on the file in C.C. No. 90 of 2013. Thereafter, the Petitioner did not appear before the Trial Court and the Non Bailable Warrant was issued against the Petitioner on 09.05.2019 and the same was executed on 09.07.2019. Hence, the case.

3. The Learned Counsel for the Petitioner would submit that this is the second application for bail. He would further submit that the

earlier application for bail in CrI. O.P. No. 15081 of 2020 was dismissed by this Court on 07.10.2020. He would further submit that the Petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the CC was taken on file during the year 2013 and he was regularly appearing before the Trial Court from the year 2013. He would further submit that apart from the cases registered by the Tamil Nadu Government, the Petitioner was also implicated in the cases registered by the Karnataka Government. He would further submit that the Petitioner was arrested by the Karnataka Police and since he was in Karnataka Jail, he was unable to appear before the Trial Court on 09.05.2019 and thereby, the Trial Court had issued the Non Bailable Warrant of arrest against him. He would further submit that thereafter, he was released on bail by the Karnataka Court. Meanwhile, while he was taking steps to surrender and recall the Non Bailable Warrant of arrest, he was arrested at his residence and remanded to judicial custody. He would further submit that it was not the intention of the Petitioner to abscond or evade the due process of law. He would further submit that though the Respondent/Police states that there are previous cases against the Petitioner, he has been acquitted in many of the cases and only few cases are pending trial. He would further submit that as on date, the Petitioner is in custody for more than two years and thereby, he has spent more than two years as an under trial prisoner. He would further submit that the Petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. He would further submit that the Petitioner is also prepared to arrange two Government servants who would stand as sureties to him. Hence, he prays for grant of bail to the Petitioner.

4. The Respondent/Police has filed counter. In the counter, it has been stated that the Petitioner is following the foot steps of the Late Forest Brigand Veerappan and posing himself as "Kutti Veerappan" in the forest areas and he is habituated to possessing illegal weapons and hunting wild animals. It is further stated that he is also involved in the following cases registered by the Police and the Forest Officials in Tamil Nadu as well as Karnataka, which are detailed below:-

| S.No. | Station                           | Crime Nos. | Section                               | Stage of the case |
|-------|-----------------------------------|------------|---------------------------------------|-------------------|
| 1     | Erode District, Vellithiruppur PS | 256/2002   | 302 of IPC r/w 25 (1-B) (a) of IA Act | Acquittal         |
| 2     | Salem District, Kolathur PS       | 59/2004    | 457 and 380 of IPC                    | Acquittal         |
| 3     | Salem District, Kolathur PS       | 141/2014   | 457 and 380 of IPC                    | Convicted         |
| 4     | Karnataka State, M.M. Hills PS    | 71/2012    | 307 and 341 of IPC                    | ACQ               |

| <b>S.No.</b> | <b>Station</b>                      | <b>Crime Nos.</b> | <b>Section</b>                                                                                                 | <b>Stage of the case</b>                                                                                        |
|--------------|-------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| 5            | Salem District, Mettur Forest       | WLOR No. 01/2010  | 9, 27, 31 r/w 51 of Wild Life Protection Act, 1972                                                             | PT                                                                                                              |
| 6            | Karnataka State, Palar Range Forest | FOC No. 26/2001   | 9 and 25 of Wild Life Protection Act, 1972 r/w 429 and 379 of IPC                                              | ACQ                                                                                                             |
| 7            | Karnataka State, Palar Range Forest | FOC No. 01/2013   | 2(1), (16), (20), 09, 39, 50(c) r/w 51 of Wild Life Protection Act, 1972                                       | PT                                                                                                              |
| 8            | Karnataka State, Palar Range Forest | FOC No. 01/2014   | 2, (16), 9, 27, 31, 32, 50 r/w 51 of Wild Life Protection Act, 1972                                            | PT                                                                                                              |
| 9            | Karnataka State, Palar Range Forest | FOC No. 03/2014   | 2, (16), (31), (35) and 9, 27, 31, 32, 39, 44, 48a, 49b r/w 51, 51a, 52, 58f of Wild Life Protection Act, 1972 | PT                                                                                                              |
| 10           | Karnataka State, Palar Range Forest | FOC No. 02/2016   | 9, 27, 31 r/w 51 of Wile Life Protection Act, 1972                                                             | ACQ                                                                                                             |
| 11           | Tamil Nadu, Bargur Forest           | WLOR No. 01/2019  | 9, 39(1)(b), 50, 51 of Wild Life Protection Act and 25(1)(A) of Indian Arms Act, 1959                          | Detained under TPDA Act by the District Collector Erode, vide C. No. 21/Forest Offender, 2019/C1 dt:26.08.2019. |

The Learned Counsel appearing for the Government would submit that history sheet has also been opened in the year 2006 vide HS No. 350 of 2006 against him and his activities are kept under close watch and that whenever he comes out on bail, he is in the habit of indulging in

hunting. Hence, he vehemently opposed for the grant of bail to the Petitioner.

5. In reply, Learned Counsel for the Petitioner would submit that apart from suffering conviction in the case in Crime No. 141 of 2014 registered by the Kolathur Police for the offences punishable under Sections 457 and 380 of the Indian Penal Code, 1860, the Petitioner has not been convicted in any other case. He would further submit that taking into consideration the period of incarceration of the Petitioner as an under trial prisoner and the pandemic situation, he may be granted bail. He would reiterate that the Petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and he is also prepared to furnish substantial sureties.

6. Heard the Learned Counsels and perused the earlier dismissal order dated 07.10.2020.

7. Taking into consideration the facts and submissions and also the fact that the Petitioner is languishing in prison for about two years and that he has also offered to furnish two sureties from Government servants, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties (who are Government servants), each for a like sum to the satisfaction of the Learned Judicial Magistrate Court No. 1, Mettur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Learned Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity;

(c) the Petitioner on his release from prison shall report before the Judicial Magistrate Court No. 1, Mettur on all working days at 10.30 a.m. and to report before the Respondent every Sunday at 10.30 a.m. until further orders.

(d) the Petitioner shall not commit any offences of similar nature;

(e) the Petitioner shall not abscond during trial;

(f) the Petitioner shall not tamper with evidence or witness during trial;

(g) on breach of any of the aforesaid conditions, the Learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A of the Indian Penal Code, 1860.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
05/07/2021

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 COURT  
NO.I, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM [FOR INFORMATION].

3 THE FOREST RANGER,  
FOREST OFFICE,  
METTUR, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

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

CRL OP.10202/2021

Date :05/07/2021

MN-06/07/2021