

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM

THE HON'BLE MRS. JUSTICE R.SUBRAMANIAN

CrI.O.P.No.9791 of 2021

1. Sadaiyan @ Nagarajan
2. Manickam
3. Velu
4. Govindaraj

... Petitioners

Vs.

State rep by
The Forest Range Officer,
Chennampatty, Bhavani Taluk,
Erode District.
O.R.No.3 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in O.R.No.3 of 2021 on the file of the Forest Range Officer, Chennampatty, Bhavani Taluk, Erode District.

For Petitioners : Mr.M.Senthilkumar

For Respondent : Mr.L.Baskaran
Govt. Advocate (CrI.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 21(d) (h) of 1882, Tamil Nadu Forest Act V and Sections 2 (16) (31), 9, 39, 44, 49(B), 50 and 51 of the Wild Life Protection Act 1972, in O.R.No.3 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The claim of the prosecution is that the petitioners were in possession of certain quantity of Deer Meat.

3. The learned counsel for the petitioners would submit that the co-accused have been granted Anticipatory Bail in Crl.M.P.612 of 2021 by the Principal District and Sessions Judge, Erode on 29.04.2021.

4. In view of the said fact, I am of the opinion that the petitioners could be granted anticipatory bail. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Bhavani, Erode District within 15 days from the date of resumption of regular hearings in the Trial Court, subject to the following conditions:

[a] The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along 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;

[b] 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;

[c] the petitioners shall report before the respondent police 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 persons thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5. Considering the present situation, the petitioners are granted 15 days time to execute the bond and furnish sureties from the date of commencement of regular functioning of the court below. In the event of violation of any of the conditions, the anticipatory bail granted will stand automatically cancelled.

-sd/-
03/06/2021

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, BHAVANI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE FOREST RANGE OFFICER,
CHENNAMPATTY, BHAVANI TALUK,
ERODE DISTRICT.

+1 CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary
charges SR.No.6371

CRL OP.9791/2021

Date :03/06/2021

cs 17/06/2021