



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11583 of 2021

Ramu

... Petitioner

Vs.

State by
Inspector of Police,
Forest Range Officer,
Odugathur,
Anaicut Taluk,
Vellore District.
(WLOR No.5 of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of arrest by the respondent police in WLOR No.5 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.P.Arthi

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1. Side)

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Section 21(d), (e) and (h) of Tamil Nadu Forest Act - V, 1882 and Section 2 [16(a)(b)(c)] and Sections 9, 39, 50 & 51 of Protection of Wildlife Act, 1972 and Section 25(1) of Indian Arms Act, 1959 in WLOR No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have killed Udumbu an endangered species.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. However, the learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- to the respondent for providing facilities to protect the endangered species.



4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the fact that the petitioner is ready to deposit a sum of Rs.50,000/- to the respondent for providing facilities to protect the endangered species, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 of receipt of a copy of this order, before the learned Judicial Magistrate - III, Vellore, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) through demand draft drawn in favour of the respondent, to enable the respondent to use the aforesaid amount for the purpose of providing facilities to protect the endangered species. The challan/receipt of such payment shall be produced at the time of executing the bond.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
06/07/2021

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,
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
FOREST RANGE OFFICER,
ODUGATHUR,
ANAICUT TALUK,
VELLORE DISTRICT.

+1 CC to M/S.S.P.ARTHI Advocate on payment of necessary charges
SR.NO.7156

CRL OP.11583/2021

Date :06/07/2021

TA-16/07/2021