



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.13482 and 13477 of 2021

CHANDRAN

[PETITIONER / ACCUSED
IN BOTH THE PETITIONS]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
YETHAPUR POLICE STATION,
SALEM DISTRICT
(CRIME NO.197/2021)

[RESPONDENT
IN CRL.OP.NO.13482/2021]

THE FRO
ATTUR FOREST RANGE,
SALEM DISTRICT
(WLOR NO.01 OF 2021)

[RESPONDENT
IN CRL.OP.NO.13477/2021]

For Petitioner : M/S B.VASUDEVAN Advocate
(IN BOTH THE PETITIONS)

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)
(IN BOTH THE PETITIONS)

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.13477 of 2021 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 21(d) (h) of Tamil Nadu Forest Act 1882 (V of 1882) and U/s 9 r/w, 2, 51 (1) (a) of Wild Life Protection Act 1972 in WLOR No.01 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner in Crl.O.P.No.13482 of 2021 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 332, 307 of I.P.C and Section 27(1) of Arms Act 1959 in Crime No.197 of 2021, on the file of the respondent police, seeks anticipatory bail.



3. The case of the prosecution in Crl.O.P.No.13477 of 2021 is that the petitioner was in possession of a country made gun and when the defacto complainant attempted to snatch the same the bomb exploded but there was no injuries to the defacto complainant. Hence, the Forest officer registered a case against the petitioner in WLOR No.01 of 2021.

4. The case of the prosecution in Crl.O.P.No.13482 of 2021 is that the petitioner was in possession of a country made gun and when the defacto complainant attempted to snatch the same the bomb exploded but there was no injuries to the defacto complainant. Initially the forest range officer registered a case against the petitioner in WLOR No.01 of 2021. Subsequently, the law enforcing agency registered a case against the petitioner.

5.The learned counsel appearing for the petitioners submitted that the defacto complainant attempted to attack the petitioner and the petitioner tried to prevent him, due to which the bomb exploded. But there was no injuries to the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners.

7.Considering the fact that there is no previous case as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioners are 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 No.I, 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 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 Court concerned 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 petitioners 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 petitioners 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;

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

-sd/-

03/08/2021

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.I,
ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
YETHAPUR POLICE STATION,
SALEM DISTRICT

4 THE FRO ATTUR FOREST RANGE,
SALEM DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13482 and 13477/2021

Date :03/08/2021

APN 19/08/2021