



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16034 of 2021

1 RAMASAMY [PETITIONERS / ACCUSED]
2 R.PALANIVEL
3 BABU

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM
CRNO.570/2021

For Petitioner : M/S.S.MANOCHARAN Advocate

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

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 341, 353 of IPC in Crime No.570 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the Forester and the Forest Guard were on regular checkup they found that the petitioners were in illegal possession of 4kgs of dead monitor lizard. Based on the complaint given by the defacto complainant/forest guard, the law enforcing agency registered the case against the petitioners.

3.The learned counsel appearing for the petitioner submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. . However, on instructions he further submits that without prejudice to



their defence and contentions, the petitioners on their own vilitation are ready to deposit a sum of Rs.10,000/- in favour of "The District Forest Officer, Salem" for the welfare of wild animals. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) submits that petitioners went into the Reserve Forest area and they were hunting monitor lizard by using dog and thereby, the petitioners are having illegal possession of 1 No. Monitor Lizard(died) at Pannikaradu North Beat, Thekkampatty Pirivu, Servaroyan South Range, Salem belonging to the Government. He further submits that there are no previous cases against the petitioners. He vehemently opposed to grant of anticipatory bail to the petitioners.

5. Taking into consideration the submissions advanced on behalf of the petitioners and also the fact that the petitioners have willfully and on their own volition agreed to pay contribute a sum of Rs.10,000/- for charitable purpose, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Omalur, Salem District on condition that each of the petitioner shall execute separate bonds 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners shall make a non-refundable deposit of Rs.10,000/- to the credit of "The District Forest Officer, Salem" for the welfare of wild animals under necessary acknowledgment without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioners ;

(c) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required;



(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]; and;

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

-sd/-
06/09/2021

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,
OMALUR, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE DISTRICT FOREST OFFICER
SALEM

+1 CC to M/S.S.MANOCHARAN
charges SR.No.9571

Advocate on payment of necessary

CRL OP.16034/2021

Date :06/09/2021

APN 24/09/2021