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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19741 of 2021

NAGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
FOREST RANGE OFFICER,
FRO, ANCHETTY,
KRISHNAGIRI DISTRICT.
WLOR NO.03 OF 2021.

For Petitioner : M/S. M.JAYACHANDRAN Advocate

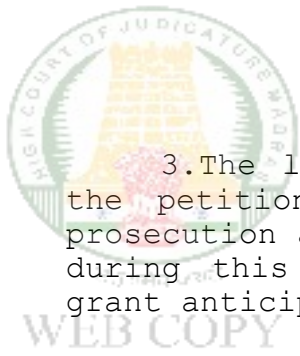
For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Section 21(d), (h) of Tamil Nadu Forest Vth Act and Section 9, 31, 39(d), r/w 2(1), 2(14), 2(15), 2(16-A), 2(35) of Indian Wildlife (Protection) Act 1972 and Section 25(1-B)(a) of Arms Act 1959 in WLOR.No.03 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with deceased went for hunting and during which, the petitioner mistook one basappa/deceased as wild pig and shot him and the said Basappa passed away. FIR has been registered against the petitioner and he was arrested by the police. For the same occurrence, the forest officer also registered a case against the petitioner for hunting and killing the animals and for damaging the forest wealth. Hence, this complaint.



3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he only attempted to hunt and no animals were killed during this said occurrence. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl side) submits that the petitioner along with the deceased went to forest for hunting, which will automatically affect the forest wealth and cause threat to the animal life. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and since the petitioner had no intention to shoot his friend, who had accompanied him and that he had also not harmed any wildlife in the said occurrence, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is 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, Denkanikottai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each, 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 petitioner 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 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;



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

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-sd/-

25/10/2021

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,
DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
FOREST RANGE OFFICER, FRO,
ANCHETTY, KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges Sr.11729

CRL OP.19741/2021

Date :25/10/2021

RVR 18/11/2021