



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23043 of 2021

Sagadevan

...Petitioner

Vs.

State by;-

The Inspector of Police
FRO, Harur,
Dharmapuri District
(WLOP.No.8 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner pending investigation in WLOP. No.8 of 2021 on the file of the respondent forest range office.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.10.2021 for the offences under Sections 2(16)(a), 9 of Wild Life Protection Act 1972 and Section 50, 51(1) and (1A) of Wild Life Protection Act 1972, in WLOP.No.8 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that there is a Patta land belongs to one Venkatachalam adjacent to the forest area. On 30.10.2021 at about 6 a.m. when the Forest Officers were on their regular patrol duty, found a Rabbit's net laid in the said land in which, a female Peacock was found dead. On enquiry, it was found that the petitioner had placed the net for catching rabbits. Hence, the complaint.



3. The learned Counsel for the petitioner submitted that the petitioner is aged about 60 years and he is an innocent person and that he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for 30 days from 30.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that there is no previous case against the petitioner and the investigation is almost completed.

5. Considering the fact that there is no previous case against the petitioner and the investigation is almost completed and also considering the age of the petitioner and the period of incarceration undergone by him, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Harur, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Tuesday and Sunday 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.

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-sd/-

02/12/2021

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,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
FRO, HARUR,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.13960

CRL OP.23043/2021

Date :02/12/2021

RW 03/12/2021