



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.760 of 2021

Muthu Krishnan

... Petitioner/Accused
(Rank Not Known)

- Vs-

State Rep.by
The Forest Ranger,
Thuraiyur Forest Range,
Trichy District.
(W.L.O.R.No.2/2020)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

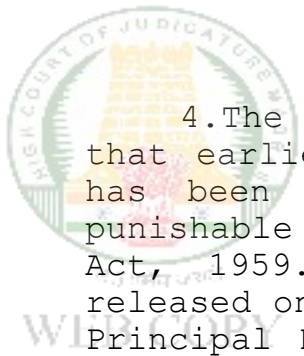
PRAYER :- For Anticipatory Bail in W.L.O.R.No.2/2020 on the file of the Forest Ranger, Thuraiyur Forest Range, Trichy District.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.rank not known, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 9, 50(i)(c) and 51 of the Wild Life (Protection) Act, 1972 and Section 21(2)(h) and Section 50 of Tamil Nadu Forest Act, 1882, in W.L.O.R.No.2 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was having unlicensed gun in the reserved forest area. When the Forest Officials questioned the same, the petitioner had attempted to fire against the Forest Officials, in which, one of the Forest Officials sustained injuries on his neck. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that earlier the respondent has lodged a complainant and the same has been registered in Crime No.633 of 2020 for the offence punishable under Section 308 of IPC and Section 25(1B)(a) of Arms Act, 1959. Thereafter, the petitioner has been arrested and released on bail in Cr.M.P.No.1829 of 2020, dated 17.06.2020, by the Principal District Judge, Trichy. After lapse of seven months, the present complaint has been filed. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor appearing for the respondent police submitted that there is no previous case pending against the petitioner.

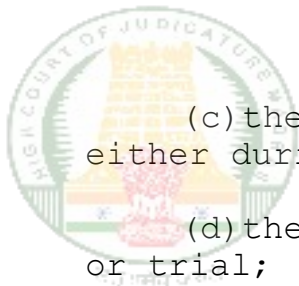
6.It is seen that the petitioner was having unlicensed gun in the reserved forest area. When the Forest Officials questioned the same, the petitioner said to have attempted to fire against the Forest Officials, in which, one of the Forest Officials sustained injuries on his neck. It is also seen that FIR has been registered against the petitioner in Crime No.633 of 2020 for the offence punishable under Section 308 of IPC and Section 25(1B)(a) of Arms Act, 1959, thereafter, the petitioner was arrested and released on bail by the lower Court. It is also seen that the petitioner was already in jail for 40 days. After seven months, this complaint was filed by the Forest Officials.

7.Considering the facts and circumstances of the case and also considering the fact that in Crime No.633 of 2020, the petitioner was already arrested and released on bail and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, 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 to 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 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 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;

WEB COPY (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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE FOREST RANGER,
THURAIYUR FOREST RANGE, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.760 of 2021
Date :01/02/2021

VSG
MS/VR/SAR-2/09.02.2021/3P.5C