



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.1283 of 2021

Selvam

... Petitioner/Sole Accused

Vs

The State rep.by,
The Forest Range Officer,
Forest Range Office,
Kanyakumari District.
Or.No.21 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.V.Vairam Santhosh,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side).

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

PRAYER :-For Anticipatory Bail in OR.No.21 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 21(d) (h) of the Tamilnadu Forest Act, 1882 and Section 9, 27, 3, 32, 39, 50, 51, 54, 57 of the Wild Life Protection Act, 1972 in Or. No.21 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 13.11.2020, at about 1.30 pm., on the secret information, the Forest Officer went to the petitioner's house at Boothapandy and on search, they found one and half kilo grams of meat of Sambar Deer was kept inside the fridge. Hence, the complaint.

3.It is seen that this Court already granted interim anticipatory bail on 01.03.2021 to the petitioner for a period of two weeks, ie., till 15.03.2021. In the mean time, the petitioner was directed to approach before the Authority for compounding the offence. The interim order was periodically extended from time to



4.The learned counsel for the petitioner submitted that the respondent had refused to compound the offence.

5.In the said circumstances, this Court is of the considered view that there is no use keeping this petition in preliminary stage and case has to be moved further for facilitating the filing of final report and for proceeding with the trial. Hence, interim anticipatory bail already granted on 01.03.2021, is made absolute with the following conditions.

6.Accordingly, the petitioner is 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, Boothapandy, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/07/2021

/ TRUE COPY /

/ /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,
BOOTHAPANDY.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE FOREST RANGE OFFICER,
FOREST RANGE OFFICE,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1283 of 2021
Date :20/07/2021

GNS
MK/Vs/SAR.I/23.07.2021/3P/5C