



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9696 of 2021

M.Thavayogi Ghana Deva Bharathy ... Petitioner/Accused No.1

Vs

The State rep.by,
The Forest Ranger,
Forest Ranger Office,
Butlagundu,
Dindigul District.

... Respondent

For Petitioner : Mr.R.Santhanam,
Advocate.

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

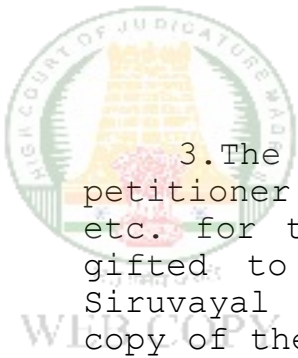
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For anticipatory bail in WLOR No.01 of 2021, on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 39, 50, 51(1), 52, 55, 56 and 57 of the Wild Life Protection Act 1972 and Section 4 of the Tamil Nadu M. a/c S.T for industry as Commercial Rules 1988 in WLOR No.01 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.07.2021 at about 11.00 a.m, the Forest Ranger of Vathalakundu along with other police officials visited the Asiramam for Thavayogi Ghana Deva Bharathy and found old tore tiger skin, small pieces of old spotted deer skin two pieces, small piece of ebony wood and 30 pieces of peacock feathers. The Watchman, Thiru.Subbiramani @ Bala Subbiramani was apprehended and enquired, he informed that the aforesaid articles belonged to the Thavayogi Ghana Deva Bharathy and he used to sit over it for meditation and also offering blessing to the devotees. The aforesaid tiger skin and spotted deer skin were his possession without any permission. Therefore, this case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not killed any tiger or deer and etc. for taking skin. The tiger skin and spotted deer skin were gifted to him in the year 1998 by the erstwhile Jamindar of Siruvayal Palace, namely, Muthuramalingam. He also produced the copy of the letter in support of his claim.

4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that investigation in this case is not completed.

5.It is seen from the arrest memo produced by the learned Government Advocate (Criminal side) that the tiger skin and spotted deer skin are old skin. It is submitted by the learned counsel for the petitioner that they are aged more than 200 years. However, possession without permission is illegal. The petitioner should have obtained necessary permission from the concerned forest officials. It has not been done in this case.

6.Considering the fact that the tiger skin and spotted deer skin are very old and used for the purpose of meditation and offering blessing to the devotees, more particularly, it is seen that skin is not a new one, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

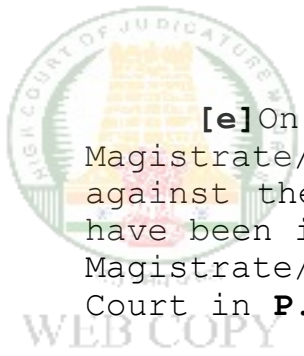
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakkottai, Dindigul District, on condition that the petitioner shall 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 the respondent police, daily at 10.30 a.m., 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/-

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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,
NILAKKOTTAI, DINDIGUL DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE FOREST RANGER,
FOREST RANGER OFFICE, BUTLAGUNDU,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.R.SANTHANAM, Advocate (SR-4873[I] dated 28/07/2021)

ORDER

IN

CRL OP(MD) No.9696 of 2021

Date : 27/07/2021

SJI

MK/JM/SAR.I/02.08.2021/3P/6C