



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/08/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10041 of 2021

1. Periyasamy
2. Sandhanam
3. Elangovan

... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
Forest Range Officer,
Thuraiyur,
Trichy District
(U.D.O.R./w.L.O.R.No.1 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Prakash,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

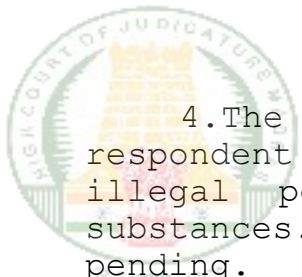
PRAYER :-For Anticipatory Bail in U.D.O.R./W.L.O.R.No.1 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 50(1)C and 51 of the Tamil Nadu Wild Life Protection Act, 1972 r/w Section 27(1) of the Indian Arms Act, 1959 in U.D.O.R./w.L.O.R.No.1 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 18.06.2021, the Police party heard the bullet sound near Shobanapurak Privu and they had visited the said place. On seeing the Police party, the accused persons ran away from the place of occurrence by leaving the country made gun and two wheeler bearing registration No.TN 49 L 4784. Hence, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have nothing to do with the alleged occurrence.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners were found in illegal possession of country made gun and other explosive substances. He further submitted that investigation in this case is pending.

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5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly this criminal original petition is allowed and the petitioners are 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, Thuraiyur, Trichy District, on condition that the petitioners 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 learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily twice Morning at 10.30 am., and evening at 05.00 pm., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

06/08/2021

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

+1 CC to MR.K.PRAKASH, Advocate (SR-5239[I] dated 10/08/2021)

ORDER
IN
CRL OP(MD) No.10041 of 2021
Date :06/08/2021

GNS
MK/PN/SAR.II/17.08.2021/3P/6C