



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10988 of 2021

1. PRADEEP,
2. BAIJU, ... PETITIONERS/ACCUSED RANK NOT KNOWN

VS

THE STATE REPRESENTED BY.,
THE INSPECTOR OF POLICE,
CUMBUM WEST FRO,
THENI DISTRICT.
(IN WLOR NO.3/2021) ... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.P.T.RAMESH RAJA,
ADVOCATE.

FOR RESPONDENT : MR.P.KOTTAICHAMY,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

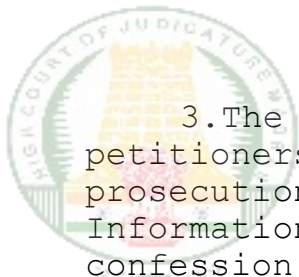
PRAYER :-

To enlarge the petitioners on bail in the event of their arrest in WLOR No.3 of 2021 on the file of the respondent

ORDER : The Court made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 2, 21(d), (h), 54, 60 and 61 of Tamil Nadu Forest Act 1882 and Sections 2, 9, 27, 31, 32, 35, 37, 50, 51(1c)(1d) of Wild Life Protection Act 1972, in WLOR No.3 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 03.06.2021, when the de-facto complainant and other forest officials were engaged in their rounds duty near Matchakalkappukadu and Surankanarkappukadu at about 11.30 p.m., they found torch light and some persons. The de-facto complainant and other forest officials rounded them, the accused shot with country made gun and assaulted the forest officials and escaped from the scene of occurrence. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners have not involved in any offence as alleged by the prosecution and the petitioners' names are not found in the First Information Report. He would further submit that based on the confession statement given by the co-accused, the petitioners have been arrayed as accused in this case. Further, the same set of allegation, a case in Crime No.245 of 2021 was registered against the petitioners and other accused before the Gudalur South Police Station, Theni for the offence under Sections 147, 148, 353, 342, 324, 286 and 506(ii) IPC and 25(1A) of Arms Act and Section 21(d) of Tamil Nadu Forest Act 1882 and the learned Judge also granted anticipatory bail to the petitioners in the said crime number and directed the petitioner to appear before the respondent police daily at 10.30 a.m and 5.00 p.m until further orders. Again the respondent police registered a false case against the petitioners on the same set of facts. Therefore, he would pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent strongly opposed this petition on the ground that investigation in this case is yet to be completed.

5.Considering the nature of allegations levelled against the petitioners and also the fact that the petitioners have already been granted anticipatory bail by the Court of Sessions for the very same facts and for the very same facts another complaint has also been registered, this Court is inclined to grant anticipatory bail to the petitioners and this criminal original petition is allowed.

6.Accordingly, 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, Uthamapalayam 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 at 10.30 a.m. and 05.30 p.m 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.

[f]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]**.

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

sd/-

27/08/2021

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

SJI

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,
UTHAMAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
CUMBUM WEST FRO,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10988 of 2021

Date :27/08/2021

GC/SKN/SAR-IV(07.09.2021) 3P 5C

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