



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14131 of 2021

1.Abdul Wahaf
2.Mohammed Nagoor Pannaiyar ... Petitioners/Accused Nos.1&2

Vs

The State rep.by,
The Forester,
Puliangudi Forest Range, Tenkasi District.
W.L.O.R.No.7 of 2021. ... Respondent/Complainant

For Petitioners : Mr.T.Indrachithu, Advocate.
For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in W.L.O.R.No. 7 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested on 02.09.2021, for the offence punishable under Sections 2(1), 2(16), 2(20), 9, 32, 39(1)(b), 39(1)(d), 39(2), 39(3), 44, 49-A, 49-B, 50(1)(a), 50(1)(c), 50(1), 52, 56, 57 and Section 21(h) of Wildlife Protection Act, 1972, in W.L.O.R.No.7 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are father and son respectively and they are having agricultural land in Survey No.51/8, T.N.Pudukudi near western ghat mountain and they have erected an electric fence with an intention to hunt Indian Gaur. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners never killed any animal and they did not involve in any hunting as alleged by the prosecution. Even though the respondent alleged that the petitioners have involved the offence of hunting of Indian Gaur, they did not recover any animal body from the scene of occurrence. They are languishing in jail from 02.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent produced a photograph, where the animal body was



recovered. He further submits that the investigation is in crucial stage and the petitioners are not having any bad antecedents.

5. It is seen from the photograph that in an unknown place, the head of a bull was recovered by the respondent police. The petitioners are having land adjacent to it and they have also put up electric fencing. The allegation is that the bull which suffered electrocution in the wire, died and the petitioners have thrown away the head of the bull. But, it is an apprehension, since the petitioners are having land adjacent to the place where the head of the bull was recovered.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the fact that the petitioners have not involved in any other offences and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District Munsif Cum Judicial Magistrate, Sivagiri, Tenkasi District and on further conditions that:

[a] 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 petitioners shall report before the respondent Police daily at 10.30 a.m until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 229A IPC.

sd/-

23/09/2021

/ 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 ADDITIONAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
SIVAGIRI, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE FORESTER
PULIANGUDI FOREST RANGE, TENKASI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, AMBASAMUTHIRAM, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14131 of 2021
Date :23/09/2021

MSA
MK/PN/SAR.I/23.09.2021/3P/6C