



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.15243 of 2021

Robert Cicil Kumar

... Petitioner/Accused No.1

Vs

The Forest Range Officer,
Velimalai Range,
Ponmanai PO,
Kanyakumari District.
W.L.O.R.No.4 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Antony Arulraj,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

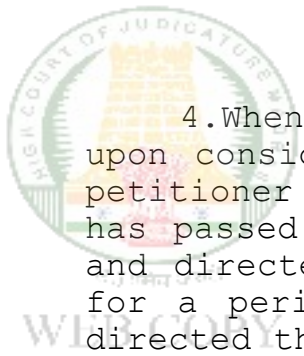
To enlarge the petitioner on anticipatory bail in the event of his arrest in W.L.O.R.No.4 of 2021 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 21(d), (e), (f), (h) of the Tamil Nadu Forest Act, 1882 and under Sections 2(16), 9, 29, 39, 44, 49b, 50 & 51 of the Wild Life Protection Act, 1972, in W.L.O.R.No.4 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the first accused used his country gun and by firing it at the porcupine and with the help of other accused persons cleaned it and the meat was segregated, thereby the accused persons had hunt a porcupine in the reserved forest, which is classified in the IV Schedule of the Wild Life Protection Act, 1972. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence. Hence, he seeks anticipatory bail to the petitioner.



4. When the matter was taken up before this Court on 06.10.2021, upon considering the representation of the learned counsel for the petitioner and learned Government Advocate (Crl.Side), this Court has passed an order of interim anticipatory bail to the petitioner and directed the petitioner to appear before the respondent police for a period of two weeks and to co-operate for the enquiry and directed the respondent police to conduct investigation, with regard to the averments made in the complaint and file a report.

5. In pursuance of the directions given by this Court, the petitioner appeared before the respondent police.

6. The learned Additional Public Prosecutor would submit that the gun was recovered from the third accused, which is owned by the first accused and he had licence, that the petitioner is working as a Security in the Velimalai Estate, that the first accused was implicated in this case as per the confession statement given by the third accused and that the third accused was already released on bail.

7. Considering the facts and circumstances of this case and also the facts that the property has already been recovered, that the co-accused was already released on bail and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, Special Court for Forest Offence Cases, Nagercoil on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judge concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge 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 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

<https://hcservices.ecourt.gov.in/hcservices> the petitioner shall not abscond either during investigation



or trial;

(e) on breach of any of the aforesaid conditions, the learned Judge/ 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/11/2021

/ 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 SPECIAL JUDGE,
SPECIAL COURT FOR FOREST OFFENCE CASES,
NAGERCOIL.
- 2 THE FOREST RANGE OFFICER,
VELIMALAI RANGE, PONMANAI PO,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ANTONY ARULRAJ T Advocate SR.No.36451

ORDER

IN

CRL OP(MD) No.15243 of 2021

Date : 29/11/2021

SS/JC/SAR-II/06.12.2021 : 3P/5C