



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.16714 of 2021

Nagarajan,
S/o.Shanmugavel.

... Petitioner/3rd Accused

Vs

The State Rep. By
The Forest Range Officer,
Puliyangudi Forest Range,
Tirunelveli Division
(W.L.O.R.No.7/2021).

... Respondent/Complainant

For Petitioner : Mr.M.Benazir Begum,
Advocate.

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

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

PRAYER :-

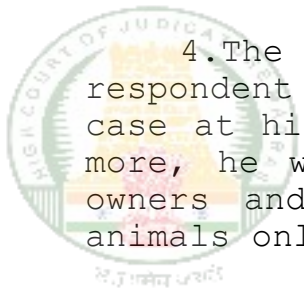
For Anticipatory Bail in Crime No. 7 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences 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 and 57 of Wildlife Protection Act, 1972 and Section 21(h) of Tamil Nadu Forest Act, 1882, in W.L.O.R.No.7 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 23.08.2021 the first accused illegally erected electric fencing in his agricultural land for the purpose of killing wild animals and due to that on 24.08.2021, the Indian Gaur was killed and the same was slaughtered by the first accused with the aid of second and third accused persons. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any such offence and co-accused were already enlarged on bail. Hence, he seeks anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having one previous case at his credit and investigation is not yet completed. Further more, he would submit that first and second accused are the land owners and this petitioner is their employee and he killed the animals only on the instructions of first and second accused.

5. Considering the facts that the petitioner is the employee of first and second accused and that the main accused viz., first and second accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. 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 Judicial Magistrate, Sivagiri, Tirunelveli District 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 Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.10,000/- (**Rupees Ten Thousand only**) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(b) 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;

(c) 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.

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

(e) the petitioner 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 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 55601]**; and;

<https://hcservices.ecourts.gov.in/hcservices/>



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

sd/-
12/11/2021

/ TRUE COPY /

WEB 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 JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
3. THE FOREST RANGE OFFICER,
PULIYANGUDI FOREST RANGE,
TIRUNELVELI DIVISION
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH,
CHENNAI-600 009.

ORDER
IN
CRL OP(MD) No.16714 of 2021
Date : 12/11/2021

MGJ/JM/SAR IV(18.11.2021) 3P 6C