



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

Wednesday, the Fifteenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) No.19133 of 2021

WEB COPY

RAJA

... PETITIONER/1st ACCUSED

Vs

STATE REP.BY
THE FOREST OFFICER,
FOREST OFFICE,
TRICHY.
(W.L.O.R.11 OF 2020)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.LENIN KUMAR T Advocate
For Respondent : MR.R.MEENAKSHI SUNDARAM,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER :

FOR BAIL IN W.L.O.R.NO.11 OF 2020 ON THE FILE OF THE RESPONDENT POLICE.

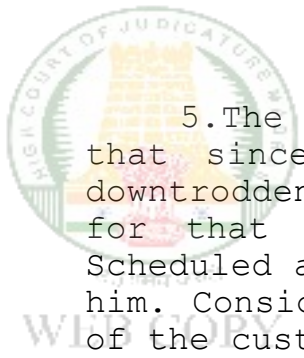
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody on 22/08/2021 for the alleged offence punishable under Sections 9, 51(1), Section IV Partridges, 39(1)(a)(d), Scheduled IV 49(1) Birds 2(22) Egrets and Sections 20 and 27 of Arms Act, 1959, in W.L.O.R No.11 of 2020 on the file of the respondent police and hence, seeks bail.

2.The petitioner belongs the Narikuravar community facing charges for the offences punishable under Sections 9, 51(1), Section IV Partridges, 39(1)(a)(d), Schedule IV, 49(1) Birds, 2(22) Egrets and Sections 20 and 27 of Arms Act, 1959.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4.The learned Additional Public Prosecutor would submit that the petitioner was hunting the endangered species with gun for the purpose of selling the same in the market and all the birds and animals are coming under the category of Scheduled IV, 49(1). So for heinous offence, the request for bail should not be considered. Admittedly, on the same issue, the Principal District and Sessions Judge, Trichy, has dismissed the bail application of the petitioner stating that it is a case of hunting endangered species with guns



5.The learned counsel appearing for the petitioner would submit that since the petitioner belongs to Narikuravar community and downtrodden, their entire life only depending upon the hunting and for that purpose, out of ignorance, he hunted the above said Scheduled animals and birds. No previous has been registered against him. Considering the poor background of the petitioner and duration of the custody, he may be released on bail.

6.It is very unfortunate that a man from Narikuravar community has been named for the purpose of having hunted endangered species. No doubt, this petitioner was not having proper gun licence at the time of occurrence and in the light of the advent of Animals Act, which was either not known to the Narikuravar community people, they started sufferings, because of their ignorance and repeatedly in the public, the present situation and life style of the Narikuravar community are being discussed. Even they are attempting to get the community status, it is not ended in their favour and they are not in a position to reform themselves. So considering the ignorance and the background and duration of custody of this petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be **released on bail** on his executing a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relation sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Murisi and on further condition that the petitioner shall report before the respondent police once in a week at 10.00 am until further orders. The learned Magistrate shall not insist the petitioner for obtaining the solvency certificate from the Village Administrative Officer. The learned Magistrate may accept the solvency in the form of affidavit from the the blood relatives of the petitioner.

sd/-
15/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
MUSIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3 THE FOREST OFFICER
FOREST OFFICE,
TRICHY.

4 THE SUPERINTENDENT
CENTRAL PRISON,
TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.19133 of 2021

Date :15/12/2021

RS/PN/SAR2 (15.12.2021) 3P-6C