



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8852 of 2022

1 GOBI
2 RAJA

[PETITIONERS / ACCUSED]

Vs

THE STATE BY
THE FOREST RANGE OFFICER(F.R.O.),
FOREST OFFICE, CHENGAM,
TIRUVANNAMALAI DISTRICT.
(OR.NO.3 OF 2022)

[RESPONDENT]

For Petitioner : M/S.P.BALAMURUGAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent for the offence punishable under Sections 21(d), 21(f), 21(h) of TamilNadu Forest Act, V 1882 and Section 2(2), 2(16) (c), 9, 41, 50, 51 of Wildlife Protection Act 1972, in OR No.3 of 2022, on the file of the respondent , seeks anticipatory bail.

2. The petitioners herein apprehending arrest in OR.No.3 of 2022 are before this Court seeking anticipatory bail.

3. According to the prosecution, Iron bar fencing was erected and electricity was illegally drawn for the purpose of hunting in the forest area. The Forest Ranger who accidentally touched the wire and got electrocuted. Now, he is taking treatment and possibility of amputating the finger is ruled out suspecting that the illegal fencing was erected by the petitioners herein. The respondent has gone to the house of the petitioners and made search.



3. The learned counsel for the petitioners submits that the petitioners' property is 4kms away from the scene of occurrence and there is no necessity for the petitioners to put up electrical bar fencing either to protect their property or for hunting purpose.

4. Considering the nature of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Chengam, Thiruvannamali, on condition that the petitioners shall execute separate bonds 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 learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(e) 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 are 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]; and



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

WEB COPY

-sd/-
19/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE FOREST RANGE OFFICER (F.R.O)
FOREST OFFICE, CHENGAM
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.BALAMURUGAN Advocate on payment of necessary charges SR.No.5849

CRL OP.8852/2022

Date :19/04/2022

CSK 22/04/2022