



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12142 of 2022

G.TAMILARASAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE FOREST RANGE OFFICER,
FRO DHARMAPURI,
DHARMAPURI.
WLOR NO.8/2021

[RESPONDENT]

For Petitioner : M/S M.NALLASIVAM Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

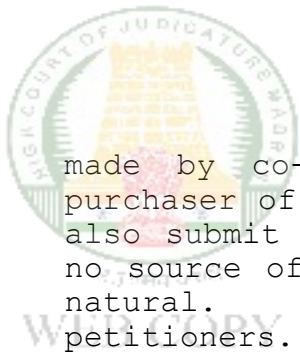
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 39(1) (a), 40(2), 44, 49 49(A), 49(B), 50, 51(1) of the Wild Life Protection Act, 1972 in WLOR No.8 of 2021, on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.11.2021, when the respondent police was on patrol duty nearby Sogathur 4 Road junction, two cars came and parked in suspicious manner, in which four persons were travelled. On enquiry, it was found that they were in possession of two elephant ivory in the car. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A13. He would submit that he is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that based on the confession



made by co-accused stating that the petitioner is the proposed purchaser of the said ivory, he was implicated in this case. He would also submit that the petitioner is a only coolie worker, and he has no source of income to purchase ivory and the elephant died only by natural. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 to A3 have removed the ivory from the elephant and when they transported the same, they were caught hold by the respondent. He would further submit that the petitioner is intended to purchase ivory, which was in possession of A1 to A3. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and so far as the petitioner is concerned, according to the prosecution, the petitioner has intended to purchase ivory, whereas the learned counsel for petitioner would submit that he is a only coolie worker, he has no source of income to purchase ivory and he has no intention to purchase ivory. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Dharmapuri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 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 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/05/2022

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,
NO.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE FOREST RANGE OFFICER,
FRO DHARMAPURI,
DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.NALLASIVAM Advocate on payment of necessary
charges SR.NO. 7686

CRL OP.12142/2022

Date :20/05/2022

RW-24/05/2022