



Crl.O.P.No.21183 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Section 21(d)(h) of TNF-V Act 1882 r/w. Section 8E, Schedule(I), Part(I) and Section 9, 39(1)(a)(b), Section 41, 50, 51 of The Wildlife (Protection) Act, 1972 in Crime No.UD.WL.OR.No.10 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent on secret information conducted investigation and seized wild buffalo meat from the house of the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are poor Tribals residing near reserve forest border and somebody offered them meat, the petitioners received the same believing that it was beef meat, without knowing that it was wild buffalo meat. He prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that based on secret information conducted investigation and seized wild buffalo meat from the house of the petitioners. No previous case is against the petitioners. He would oppose for grant of anticipatory bail to the petitioners.



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5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Chengam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent Police daily at 10.30am for a period of four weeks and thereafter on every Saturday at 10.30am until further orders.

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



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[d] the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

14.09.2022

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