



Crl.O.P.No.24268 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent/Forest Range Officer for the offences punishable under Sections 2(16), 9, 50, 51, 57 of the Wild Life Protection Act, 1972 (as amended 2006), in W.L.O.R.No.3 of 2022 on the file of the respondent/Forest Range Officer, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant/Forest Range Officer is that on 18.09.2022, he had received secret information that eight unknown persons were hunting the Deer in the Reserved Forest Area. When the de facto complaint along with the other Rangers have reached the spot, on seeing them, seven persons fled away from there. One person was caught hold by them and the person has possessed one bag, 3 Kilograms of Deer meat, Koduval and Knife and the material objects were recovered from him. He was later arrested and remanded to Judicial Custody. Based on the confession statement



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recorded from him, the respondent police implicated the other persons as accused in this case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been unnecessarily roped into this case based on the Confession Statement recorded from the arrested accused by name Duraisami. He would further submit that the petitioners are the adjacent land owners and cultivating their lands situated near the Reserved Forest Area and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners were caught red-handed while hunting and taking meat from the killed deer. He would further submit that there is no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. At this juncture, the learned counsel for the petitioners would submit that the arrested accused has been enlarged on bail by the lower Court and the contraband has also been recovered.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and also the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II, Attur** on condition that that each of the petitioner shall execute a separate 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 the police officer who



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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/Forest Range Officer everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness during trial;

[d] the petitioners shall not abscond during trial;

[e] 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 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**



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5560];

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

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