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Crl.OP.No.27669 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.11.2022**

**CORAM**

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.OP.No.27669 of 2022**

Sundharam

... Petitioner

Vs.

The Forest Range Officer,  
Gudiyatham Forest Range,  
Gudiyatham.

W.L.O.R.No.4 of 2022

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail in W.L.O.R.No.4 of 2022 on the file  
of the respondent.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.C.E.Pratap,  
Government Advocate (crl.side),



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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 25.09.2022 for the offences punishable under Sections 21(d) (e) (h) of Tamil Nadu Forest Act, 1882 and 9(1), 39, 50 and 51 of Wild Life Protection Act 1972 and Section 2(16) of Wild Life Protection Act, 1972 in W.L.O.R.No.4 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner found to have killed two spotted deers and attempted to sell the deer meat. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since there is one previous case pending against him, in respect of cutting of red sanders trees . He would submit that the petitioner is a Tribal, living in the centre of the Reserve Forest and therefore, the respondent police foisted a case against him. The petitioner was arrested on 25.09.2022 and he is in custody for the past 47 days. Hence, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (crl.side) appearing for the respondent police would submit that the petitioner was found to kill 2 spotted deers and attempted to sell the deer meat. He would submit that the petitioner has one previous case, in respect of cutting of Red Sanders Trees. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel on both sides and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the period of incarceration suffered by the petitioner from 25.09.2022, 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 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 **learned Judicial Magistrate, Gudiyatham** and on further conditions that:



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[a] 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 every day at 10.30 am until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]**;



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[f] If the accused thereafter abscond, a fresh

FIR can be registered under Section 229A IPC.

**11.11.2022**

shk

To

1. The learned Judicial Magistrate, Gudiyatham
2. The Forest Range Officer,  
Gudiyatham Forest Range,  
Gudiyatham.
3. The Central Prison,  
Vellore
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA,J.**

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