



Crl.O.P.No.31909 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21(d), (h) & 56 of Tamil Nadu Forest Act No.V of 1882, Sections 2(16), 9, 27, 29, 31, 32, 39, 50, 51, 52, 56, 57 of the Wild Life Protection Act, 1972 and Sections 3, 5, 20, 25 of the Arms Act, 1959 in Crime No.06 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 07.12.2022 at about 12.50 am, when the respondent police were on their regular patrol duty, the petitioners along with other accused were found to be with country gun in the Forest. On seeing the police, they ran away from the scene of occurrence. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. However, without prejudice, the petitioners are prepared



to deposit an amount of Rs.30,000/- as non- refundable deposit to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners along with other accused were found to be with country gun in the Forest. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have prepared to deposit Rs.30,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



7. Accordingly, the petitioners are directed to **deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only)** by way of Demand Draft/RTGS/NEFT to "**The registered Advocate Clerk Association, Erode District**", without prejudice to thier rights and contentions before the trial Court, on such deposit and production of proof, 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 Court No.2, Bhavani**, on condition that the petitioners shall execute a separate 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 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 file an affidavit of



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undertaking before the Trial Court that they will not involve in hunting in future, at the time of furnishing sureties.

[b] the petitioners shall report before the respondent Police every Wednesday and Sunday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

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

[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 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 5560]**.



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

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