



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3259 of 2022

Sivakumar

... Petitioner/Accused No.2

Vs

The State rep.by,
The Range Officer,
Aundipatti FRO,
Theni District.
Wlor.No.01/2022.

... Respondent/Complainant

For Petitioner : Mr.A.Arul Jenifer,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-To grant Bail in WLOR. No.01 of 2022 U/s.9,39,49(b),50,51 of Wild Life Act, 1972 and 428 of IPC on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 26.01.2022 for the offences punishable under Sections 9, 39, 49(b), 50 and 51 of Wild Life Act, 1972 and Section 428 of IPC in WLOR No.01 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and others trespassed into the forest and hunted the wild boar using explosives. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that only based on the confession statement given by the co-accused, the petitioner was implicated in this case. He would further submit that the petitioner, without prejudice to his rights, is ready to deposit the

<https://hcmccourtshs.in/hcmccourts>



4.The learned Additional Public Prosecutor would submit that the petitioner is having no previous case and that the investigation is pending.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 26.01.2022 and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of District Wildlife Fund, Theni**, without prejudice to his rights and contentions before the trial Court;

7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Principal Sessions Judge, Theni, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(c)the petitioner shall not tamper with the 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]**; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/02/2022

/ TRUE COPY /

18/02/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
THENI.
- 2 THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM.
- 3 THE RANGE OFFICER
AUNDIPATTI FRO, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
DISTRICT WILDLIFE FUND, THENI

+1. CC to M/S. ARUL JENIFER.A Advocate SR.No.1304.

ORDER
IN
CRL OP(MD) No.3259 of 2022
Date :18/02/2022

SJI
MK/PN/SAR.II/18.02.2022/3P/7C