



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5819 of 2022

K.Aravindh

... Petitioner/Sole Accused

Vs

The State represented by
The Forest Ranger,
Boothapandi Forest Range Office,
Kanyakumari District.
(W.L.O.R.No.5 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.SOLAISAMMY,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl. Side).

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in W.L.O.R.No.5 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 39, 50, 51 and 57 of Wild Life (Protection) Act, 1972, in W.L.O.R.No.5 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had kept an Indian Sand Boa (Mannuli Snake) in his house. 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.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the property has been recovered and that the petitioner is not having any previous cases.

5.Considering the nature of charges levelled against the petitioner and also the facts that the property has been recovered

<https://hcservices.ecourts.gov.in/hcservices/>



and that the petitioner is not having any previous cases for similar offence or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit to the credit of District Wildlife Fund, Kanyakumari, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Special Judge for Forest Offence Cases, Nagercoil.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge for Forest Offence Cases, Nagercoil, 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 Special Judge 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 Special Judge 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 06.00 p.m., for a period of one month and thereafter, as and when required for interrogation.

[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 Special Judge/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 Special Judge/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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/03/2022

/ TRUE COPY /

/ /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 SPECIAL JUDGE
FOR FOREST OFFENCE CASES,
NAGERCOIL.
- 2 THE FOREST RANGER,
BOOTHAPANDI FOREST RANGE OFFICE,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
DISTRICT WILDLIFE FUND,
KANYAKUMARI.

+1. CC to M/S.SOLAISAMMY.M Advocate SR.No.2771

**ORDER
IN**

CRL OP(MD) No.5819 of 2022
Date :30/03/2022

SA/VR/SAR.2/04.04.2022/3P/6C