



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/06/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11080 of 2022

C.Siva

... Petitioner/Sole Accused

Vs

The State rep.by
The Forest Ranger,
Forest Range Office,
Natham,
Dindigul District.
W.L.O.R.No.4 of 2022.

... Respondent/Complainant

For Petitioner : M/s.SARVAGAN PRABHU.S,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

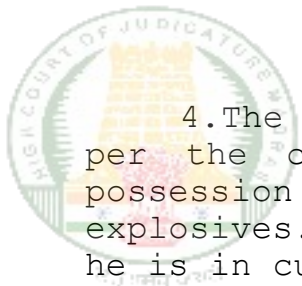
PRAYER :- To enlarge the petitioner on bail in connection with W.L.O.R.No.4 of 2022 on the file of the respondent and thus render justice.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 02.06.2022 for the alleged offence under Sections 2(16)(a)(b)(c), 35, 36, 9, 39(1)(b)(d), 51 of Wild Life (Protection) Act, 1972 and Section 26(f) of Tamil Nadu Forest Act, 1882, in W.L.O.R.No.4 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.06.2022, at about 02.00 a.m. On regular check up, the petitioner was found in illegal possession of two peacocks (Dead), one peahen (dead), one country made gun and explosives. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is working as collie and no gun and explosives were recovered at the time of occurrence. Hence, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submitted that as per the case of the prosecution, the petitioner was found in possession of 3 dead peacocks along with country made gun and explosives. On the date of occurrence, he was arrested. Ever since, he is in custody.

5.It is seen that the petitioner is aged about only 19. As per the instruction, no gun and explosives were recovered from his possession. But, the official from the respondent, present before this Court and submitted that articles namely, the country made gun along with explosives were recovered only from the petitioner and he has the residence in the border of reserved forest area and attend the collie work. Except this occurrence, no other bad antecedent is reported against this petitioner.

6.The learned Government Advocate (Crl.Side) submitted that case is serious in nature. Considering the same, his parents must be directed to file affidavit that he will not indulge in such activities in future.

7.At this juncture, the learned counsel for the petitioner would submit that he will ready to file an undertaking affidavit to the effect that the petitioner will not indulge in such illegal activities in future.

8.Considering the period of incarceration and also considering the fact that no previous bad antecedent is reported against the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

9.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 District Munsif Cum Judicial Magistrate Court, Natham, and on further condition that the petitioner shall report before the concerned Magistrate Court daily at 10.30 a.m. until further orders.

10.The petitioner must file an undertaking affidavit that he will not indulge in such activities in future. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

sd/-
22/06/2022

/ TRUE COPY /

22/06/2022
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NATHAM.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.
- 4 THE FOREST RANGER,
FOREST RANGE OFFICE,
NATHAM,
DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SARVAGAN PRABHU.S Advocate SR.No.5909

**ORDER
IN**

CRL OP(MD) No.11080 of 2022
Date :22/06/2022

SA/PN/SAR.3/22.06.2022/3P/7C