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

Date : 22/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.15566 of 2022

Babu ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
The Forest Department Office,
Madurai District.
(W.L.O.R.No.6 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Manickaraj R, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in W.L.O.R.No.6 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 2(1), 9, 39, 39-1(a), 40(1), 49-A(a), 41, 50 and 51(1) of Wild Life Protection Act, 1972 in W.L.O.R.No.6 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 03.08.2022, based on the secret information regarding the snake dance was conducted in the village festival, the respondent police went to the place and found that A1 was standing near the stage along with two snakes. On enquiry, it reveals that the petitioner/A2 was arranged the said dance program. Hence, the complainant.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not performed the snake dance as



alleged by the prosecution and only based on the confession statement of A1, he has been arrayed as A2 in this case. A1 was already released on bail. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally two accused involved in this case and the petitioner is arrayed as A1. A1 dancing with two snakes, which was arranged by the petitioner herein. A1 was already arrested and released on bail. The investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that A1 was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Society for Prevention of Cruelty to Animals (SPCA), Chennai [Karur Vysya Bank, A/c No.1229135000007477; IFSC No.KVBL0001229]**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.VI, Madurai.

7.On production of such receipt, 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 Judicial Magistrate No.VI, Madurai, on condition that the petitioner shall execute a 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 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 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 daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
22/11/2022

/ TRUE COPY /

/12/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THE FOREST DEPARTMENT OFFICE,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, SOCIETY FOR PREVENTION
OF CRUELTY TO ANIMALS (SPCA), CHENNAI.

ORDER
IN
CRL OP (MD) No.15566 of 2022
Date : 22/11/2022