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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2022

PRESENT

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

CRL OP(MD). No.17272 of 2022

Thangapandian

... Petitioner/ (*) **Accused No.1**

Vs

State Rep.by

The Forest Range Officer,

Sirumalai Range,

Dindigul District.

(**) (W.L.Or No.2 of 2021). ... Respondent/Complainant

(*) (**) (Amended as per order of the

court dated 12/10/2022 in Crl.M.P.

(MD)No. 12127/2022 in Crl.OP(MD)

No.17272/2022 by AANJ)

For Petitioner : M/s.Pandiyan.N, Advocate

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

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

PRAYER :-

To enlarge the Petitioner/Accused rank not known on bail in the event of his arrest in connection with W.L.OR No.2 of 2021 on the file of the Respondent.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Wild Life Protection Act, in W.L.OR No.2 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.09.2021, the respondent Forest Department had inspected the shop premises of the accused and found 150 artist paint brushes, out of which, 10 brushes were made out of Mangoose tail, which is a forbidden wild life article. Hence, the complaint.



3. On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. A false case was foisted against him. Hence, prays to release the petitioner on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioner is not having any bad antecedent at his credit. In this case, totally there are three accused and the petitioner is A1. The petitioner was found in possession of forbidden wild life article, ie., paint brush made out of Mongoose tail and investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, nature of offence levelled against the petitioner and that the petitioner is not having any bad antecedent at his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall **pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Dindigul, 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:

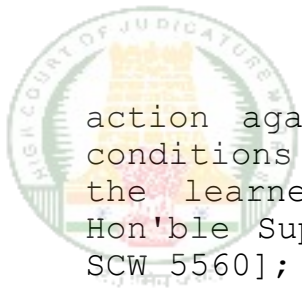
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10:30 am until further orders;

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 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;

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

sd/-

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/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE FOREST RANGE OFFICER
SIRUMALAI RANGE, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to

THE OFFICER INCHARGE
ROJAVANAM,
HOME FOR AGED AND POOR,
UTHANGUDI.
MADURAI.

+1. CC to M/S.PANDIYAN.N Advocate SR.No.11317(I)

ORDER
IN
CRL OP(MD) No.17272 of 2022
Date :12/10/2022

pnm

PKP/GB/SAR-2/27.10.2022/3P/7C