



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

Date : 08/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19697 of 2022

R.Vijaya Kumar

... Petitioner/2nd Accused

Vs

The State Rep. By,
The Forest Range Officer,
Sirumalai Range,
Dindigul District.
(W.L.Or.2 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Vivek Bharathi.M.,
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.No.2 of 2021 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 59 of
Tamil Nadu Forest Act, 1882 (Tamil Nadu Act 5 of 1882) in W.L.No.2
of 2022, 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 Mongoose tail, which is a forbidden wild life article.
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 in this
case, co-accused has already granted anticipatory bail. Hence, he
seeks anticipatory bail.



4.The learned Government Advocate (criminal side) would submit that the petitioner is having 150 artist paint brushes, out of which, 10 brushes were made out Mongoose tail, which is a forbidden wild life article. Hence, he strongly opposed to grant anticipatory bail.

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

6.Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only)** to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Dindigul.

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.I, 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 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/-
08/11/2022

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/ TRUE COPY /

/11/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
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 HEAD MISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR,
MADURAI.

+1 CC to M/s.M.VIVEK BHARATHI, Advocate (SR-12628[I] dated
08/11/2022)

ORDER
IN
CRL OP(MD) No.19697 of 2022
Date :08/11/2022

SKN
USK/BUC/SAR-II/15.11.2022/3P/7C