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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/11/2022
PRESENT

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

CRL OP(MD) . No.19738 of 2022

P.Balan

... Petitioner/Accused No.5

Vs

The State rep.by
The Forest Range Officer,
Kalakad, Tirunelveli District.
W.L.R.No.No.04 of 2022.

... Respondent/Complainant

For Petitioner : M/s.RAJKUMAR P,
Advocate.

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

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

PRAYER :- To enlarge the Petitioners on bail in the event of their arrest in WLOR No.4 of 2022 pending investigation on the file of the Respondent Police.

ORDER : The Court made the following order :-

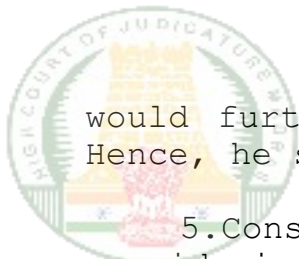
The petitioner/A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 2, 9, 39, 50 and 51 of the Wild Life (Protection) Act, 1972, in W.L.O.R.No.04 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are having agriculture land near the protected forest area. On 14.10.2022, one bear died by electrocution in the fencing of the petitioners' agriculture land. Hence, the complaint.

3.The learned counsel for the petitioners 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, the Accused Nos.4 and 6 were arrested and released on bail. Hence, the learned counsel seeks anticipatory bail to these petitioners.

4.The learned Government Advocate (criminal side) would submit that in this case, totally 7 accused and the petitioner is A5. He

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would further submit that in this case, investigation is j.
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 petitioners and also considering the fact that the co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 learned Judicial Magistrate, Nanguneri, Tirunelveli District 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 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 Special court/concerned court 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 Special Court/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 Court/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/-

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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 JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE FOREST RANGE OFFICER,
KALAKAD, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.19738 of 2022

Date :08/11/2022

skn

RS/TR/SAR.1/15.11.2022/3P/5C