



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21282 of 2022

Selvam

... Petitioner/Accused

Vs

The Forest Ranger,  
Forest Department-Keeranur,  
Pudukottai District.  
(WLOR.No.05 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian P,  
Advocate.

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

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

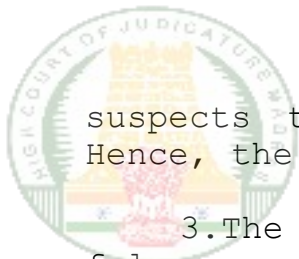
PRAYER :-

To enlarge the petitioner/accused on bail in the event of his arrest by respondent police or surrender before the concerned Judicial Magistrate Court in WL OR.No.05 of 2020 pending on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 39, 50, 51 and 52 of the Wildlife Protection Act, 1972, in WLOR.No.5 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, on 21.12.2020, at about 10.00 p.m, the defacto complainant went to the occurrence place and found that 14 dead peacocks inside the dilapidated well, situated adjacent to the patta land belongs to the petitioner. In that land, agricultural activities have been carried on. He further found that some



suspects that the peacocks may be fed the contaminated. Hence, the complaint.

3.The learned counsel for the petitioner would submit that false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the occurrence is of the year 2020. By this time, the major part of the investigation might have been completed. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the major part of the investigation has been completed. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioners 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, Keeranur, 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 respondent Police or to the Police Officer, who intends to arrest or 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 FIF registered under Section 229-A IPC.

sd/-

01/12/2022

/ TRUE COPY /

WEB COPY

/12/2022

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

DSS

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,  
Keeranur.
2. Do-Through The Chief Judicial Magistrate,  
Pudukottai District.
3. The Forest Ranger,  
Forest Department-Keeranur, Pudukottai District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.21282 of 2022

Date :01/12/2022

RD/BUC/SAR-II(08/12/2022) 3P 5C