



Crl.O.P.No.757 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 2(16), 2(20), 2(35), 9, 39(1)(a)(b), Section 50(1)(c) and Section 51 of Wildlife Protection Act in W.L.O.R.No.02 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the respondent police, on receipt of secret information, that the petitioner possessed some wild animal meat in his house. On 26.04.2022, the respondent police with other forest officials went to his house. The door was locked. Therefore, the petitioner's tea and coffee garden were searched , two deer horns, bones and one bos gaurus were found. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner doing a collie work and he is not aware of any wildlife articles seized from the petitioner's house. He further submit that he has not committed any offence as alleged by the prosecution. He further submit that



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he has to take care of his family and he is only the bread winner of his family and earlier he filed anticipatory bail application in Crl.O.P.No.19945 of 2022 was dismissed by this Court. Subsequently, the petitioner approached the learned Sessions Judge, Nilgiris District at Udhagamandalam in Crl.M.P.No.1392 of 2022 and the same was dismissed and this is the second bail petition before this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the property was recovered. He would further submit that there is no previous case pending as against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the submission of the learned Government Advocate, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, 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



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date of receipt of a copy of this order, before the learned **District Munsif Cum Judicial Magistrate Court, Gudalur, Nilgiris 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 **out of which one surety will be blood related surety** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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, on every Saturday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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***



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vsn

of Kerala [(2005) AIR SCW 5560]; and;

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

25.01.2023

vsn

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