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Crl.O.P.No.1637 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 27.01.2023

CORAM :

**THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI**

Crl.O.P.No.1637 of 2023

Sakthibalan,  
S/o.Ramachandran

.. Petitioner

Vs.

State represented by  
The Forest Range Officer,  
Gudiyatham F.R.O.  
(WLOR No.1 of 2023)

.. Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in WLOR No.1 of 2023 on the file of the respondent police.

For Petitioner : Mr.B.S.Manikandan

For Respondent : Mr.S.Vinoth Kumar  
Govt. Advocate (Crl. Side)



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 03.01.2023 for the alleged offence under Sections 21(d)(e)(h) of Tamil Nadu Forest Act, 1882, Section 9, 39 and 51(1) of Wild Life Act, 1972 and Section 2(16) of Wild Life Act and Section 25(1a) of Arms Act, 1959 in WLOR No.1 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner said to have hunted the wild boar with country gun in the forest area and sold the meat of wild boar to other persons and also tried to cook the remaining meat of wild boar. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence and he has not committed any of offence as alleged by the respondent police. He would also submit that he has been falsely implicated in this case and he will abide by any



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condition that may be imposed by this court. He would also submit that the petitioner has been suffering incarceration for more than 23 days from 03.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is sole accused and no previous case pending against him. He would submit that the petitioner by using gun, knife and other electrical items, hunted a wild boar in the forest area and sold the meat and also cooked the same. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances and also the fact that no previous cases pending against the petitioner and the investigation is almost completed, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non-refundable deposit to the credit of registered Advocates Clerks Association at Vellore**, and on such deposit, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned Judicial Magistrate, Gudiyatham*, and on further conditions that::

(a) 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 on every Wednesday at 10.30 a.m. for the period of eight weeks.**

(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



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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.

**27.01.2023**

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To

- 1.The Judicial Magistrate,  
Gudiyatham.
- 2.The Forest Range Officer,  
Gudiyatham F.R.O.
- 3.The Superintendent of Prison,  
Central Prison, Vellore.
- 4.The Public Prosecutor,  
High Court, Madras.



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**T.V.THAMILSELVI, J.**

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