



Crl.O.P.No.6823 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Elumalai

... Petitioner

Vs.

The State represented by,
The Forest Ranger Officer,
Ambur Forest Range,
Thirupathur District.

(WLOR No.01 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
WLOR No.01 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.03.2023 for the offences punishable under Sections 21(d), (h) of Tamil Nadu Forest Act, 1882 and 2, 9(II), 50 and 51 of Wildlife Protection Act, 1972 and Arms Act 1959 under Section 25(1)(A) in WLOR No.1 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have trespassed into the reserve forest and they were found in illegal possession of country gun for hunting the wild animals. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a tribal person living along the border of the forest area and he was in possession of a gun only for the purpose of protection, other than that he has not committed any offence as alleged by the prosecution. He would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.10,000/-



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to any charitable organization or association and he is in judicial custody from 03.03.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioner was found to be in illegal possession of country gun in the reserve forest area for hunting the animals. He would further submit that there is no previous case pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also 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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7. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit by way of RTGS/NEFT to the **Gulf of Mannar, Biosphere Reserve Trust, (State Bank of India) Ramnad Branch, A/c No.33658054216, IFSC Code : SBIN0000908**, without prejudice to his right and contention before the trial Court and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Additional District Munsif cum Judicial Magistrate, Ambur**, 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 daily at 6.30 p.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

27.03.2023

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To

1. The Additional District Munsif cum Judicial Magistrate,
Ambur.
2. The Forest Ranger Officer,
Ambur Forest Range,
Thirupathur District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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