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Crl.O.P.No.10260 of 2023

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K.KUMARESH BABU, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 2 [14], [16], [35], [36], Sec.9, 39 [3] [c], 51 [1] of Wildlife Protection Amendment Act, 1972 read with Wildlife Protection Amendment Act, 2022 in WLOR No.2 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused are alleged to have hunted a Monitor Lizard and hit it with stone and later they cooked and eaten it. The further allegation is that they have circulated the news in Youtube. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and false case has been foisted against him. The learned Counsel has further submitted that the petitioner is A2 and A1 has already been enlarged on bail. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate [Criminal Side] would submit that the petitioner along with other accused had committed cruelty on the wild animal and hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that A1 has already been enlarged 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruchengode, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

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