



Crl.O.P.No.17311 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners, arrayed as A2 and A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 21(d) (h) of Tamil Nadu Forest Act, 1882 r/w Section 2(b), (16), (c) (36) & 9, 39 (1) (a) (b), 50(c) of Indian Wildlife Protection Act, 1972 in W.L.O.R.No.8 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 17.07.2023, while the respondent was on a regular patrol, they had got an information and went to the property of A1 and they found a wild boar buried in the property of A1 and on enquiry they found that A1 along with these petitioners had hunted the wild boar using their dog and A1 was arrested and hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners and A1, were the neighbouring land owners and their agricultural property was in the foot hills and they are carrying on the



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agricultural activities of cultivating Corn, Cotton etc., and on the said day of occurrence while A1 had went to his agricultural field, he had found wild boar was found dead with injuries and the death was of more than 10 days, due to the bad smell, he had buried the wild boar and the over tact as against these petitioners is that they had assisted A1 in disposing the wild boar. He further contended that the petitioners are innocent persons and they have been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that after knowing that a wild boar was buried in their land and due to the bad smell in that place, investigation was conducted and found that wild boar was buried and accordingly, A1 was arrested. He further contended that as against A3/2nd petitioner herein, there is no case pending and he vehemently opposed for grant of anticipatory bail to the 1st petitioner/A2.

5.Taking into consideration the facts and submissions of the



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learned Counsel and also the fact that the owner of the land/A1 has already been arrested and that there is no case pending against A3, this Court is inclined to close this petition as regards the 2nd petitioner/A3 and to grant anticipatory bail to the 1st petitioner herein (A2) subject to the certain conditions.

6. Accordingly, this petition with regard to 2nd petitioner/A3, stands closed and the 1st petitioner/A2 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, Thirupathur, Thirupathur District**, on condition that the 1st petitioner shall execute 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 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:

[a] the 1st petitioner and the sureties shall



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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 1st petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required and he is also directed to co-operate with the investigation.

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 1st 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



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registered under Section 229A IPC;
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