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Crl.O.P.No.18107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No. 18107 of 2023

Ponnusamy

...Petitioner

Vs.

The State Represented by,
The Forest Range Officer,
Attur.

WLOR No.7 of 2023
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in WLOR No. 7 of 2023 on the file of the respondent police.

For Petitioner : Mr. V. Elangovan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2023 for the offences punishable under Sub-Section 21 (d) (h) Act V of Tamil Nadu Forest Act, 1882, Section 54 and Section 9 r/w 2 (16) of Wild Life Protection Act, Section 51 and hunted by using without licenced country made gun is punishable under Indian Arms Act, 1959 in WLOR No.7 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in this case. He further submitted that, deceased Sakthi Priya committed suicide in RBS College Hostel. There is no allegation in the FIR that, petitioner had abetted her to commit suicide. Petitioner is in judicial custody from 24.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, deceased was studying final year BDS Course at RBS College. She is in love with the petitioner. While she was



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in love with the petitioner, she had developed friendship with one Sai Naveen. When he came to know about this, petitioner said to have scolded Sai Naveen and deceased. Thus, deceased committed suicide.

4. The FIR allegations shows that, complaint was given after knowing the suicide by the deceased on 21.07.2023. The main allegation against the petitioner is that, on coming to know about the friendship between the deceased and Sai Naveen, petitioner had scolded the deceased and Sai Naveen, for which, deceased committed suicide. In the said circumstances, this Court finds that, there is no material to show that, petitioner had abetted the deceased to commit suicide. Having regard to the fact that petitioner is in judicial custody from 24.07.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Attur** and on further



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conditions that :-

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[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 10.30.a.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.

[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



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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.

11.08.2023

sma

To

1. Judicial Magistrate No. II,
Attur.
2. Sub-Jail,
Attur.
3. The Forest Range Officer,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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