



Crl.O.P.No.20632 of 2023

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RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence 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.08 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 the Petitioner 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 Petitioner and A1, are the neighbouring land owners and their agricultural property was in the foot hills and they are carrying on the 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 the Petitioner is that he had assisted A1 in disposing the wild boar. He further contended that the Petitioner is an innocent person and he had been falsely implicated in this case. Therefore,



the learned counsel for the Petitioner prays for grant of bail to the Petitioner.

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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 and he vehemently opposed for grant of anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either sides and the fact that the owner of the land/A1 has already been arrested and released on bail and the co-accused was already granted by anticipatory bail, this Court is inclined to grant anticipatory bail to the Petitioner subject to certain conditions.

7. 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, Thirupathur, Thirupathur District**, on condition that the 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



Crl.O.P.No.20632 of 2023

satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the Petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

12.09.2023

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CrI.O.P.No.20632 of 2023

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CrI.O.P.No.20632 of 2023

12.09.2023