



CrI.O.P.No.29010 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.29010 of 2023

Karthi
S/o.Velu

...Petitioner/Accused

Vs.

State represented by
Forest Range Officer,
Denkanikottai Range Office.
(W.L.O.R.No.4 of 2023)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in WLOR No.4 of 2023, on the file of Forest Range Officer, Denkanikottai Range Office, Krishnagiri District on such terms and conditions.

For Petitioner : Mr.Abbudu Kumar Rajarathinam
Senior Advocate
for Mr.P.S.Prabu

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in WLOR No.4 of 2023, registered by the respondent-Forest Range Officer for the offences punishable under



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Sections 2(16)(a), 9 and 51 of Wild Life Protection Act, 1972. He had been arrested and remanded to judicial custody on 28.11.2023.

2. The case of the prosecution is that on 26.11.2023 at about 5.00 p.m., the respondent received information that an elephant was lying dead in the land belonging to Narayanan @ Paal Narayanan. On receiving the information, the respondent went to the scene of occurrence and found that a 16 year old female elephant had bitten an orbit H.D.Electric cable and was lying dead. On enquiry, it was found that the TANGEDCO had given permission to extend electric cable for the deep borewell only upto 30m from the electric pole, whereas the petitioner has extended it to around 170m. Hence the complaint.

3. The learned counsel for the petitioner would contend that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that originally the land belonged to one Narayanan @ Paal Narayanan, who is residing at Bangalore. The petitioner is an employee of the land owner. The Electricity Board had granted permission to extend electric cable only upto 30m, but the petitioner had extended it to around 170m. He would further submit that no previous case is pending against the petitioner. Hence, she objected to grant bail to the petitioner.

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

6. Considering the fact that the property is not belonged to the petitioner, he is only an employee of the land owner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, 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, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial



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Magistrate, Denkanikottai District, and on further conditions that :-

[b] 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.

[c] the petitioner shall report before the respondent Police daily at 10.00 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

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

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].



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

28.12.2023

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To

- 1.The District Munsif-cum-Judicial Magistrate,
Denkanikottai District.
2. The Sub Jail, Hosur.
- 3.Forest Range Officer,
Denkanikottai Range Office.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL. J.

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