



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . Nos.584 and 589 of 2023

1.T.Mathankumar

2.P.Chithiraikani

3.Solai

4.M.Thamilan

... Petitioners/ Accused 1 to 4

in CrI.O.P.(MD)No.584 of 2023

...Petitioners/Accused 4 to 7

in CrI.O.P(MD)No.589 of 2023

Vs.

The State Rep. by
The Forest Range Officer,
Sivagiri Range,
Tirunelveli District
(W.L.O.R.Nos.01 of 2023
and 04 of 2022)

... Respondent/Complainant
in both petitions

In Both petitions:

For Petitioners : Mr.S.Baskar Mathuram,Advocate

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (CrI.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in W.L.O.R.Nos.01 of 2023 and 04 of 2022
on the file of the Respondent.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4 in W.L.O.R.Nos.01 of 2023 and
Accused 4 to 7 in W.L.O.R.Nos.04 of 2022, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 2(1), 2(12A), 2(16), 2(24A), 2(26), 2(36), 2(37), 9,
27(4) 31, 50 and 51(1) of Wild Life (Protection) Act, r/w Section 2
21(d) and 21(h) of Tamilnadu Forest Act, in W.L.O.R.No.01 of 2023
and 2(1). 2(2), 2(16), 2(20), 2(35), 2(36), 9, 39(1)(b), 44,50, 51
(1), 52, 56, 57 of Wild Life (Protection) Act, r/w Section 21(h), 51
and 56 of Tamilnadu Forest Act, in W.L.O.R.No.04 of 2022 on the file
of the respondent, seek anticipatory bail.



2. The case of the prosecution as per the defacto complainant in W.L.O.R.No.04 of 2022 is that on 28.09.2022, the complainant and the team found 3 legs of a Kadaman deer and the upper jaw of wild pig at one Marimuthu's garden. Subsequently the accused 1 and 2 were arrested by the respondent and on the basis of their confession report, the petitioners were arrayed as accused 4 to 7. The case of the prosecution as per the defacto complainant in W.L.O.R.No.01 of 2023 is that on 03.01.2023 at about 6 a.m the petitioners entered into reserved forest with their dogs with an intention to hunt rabbits. On seeing the forest officers, the petitioners fled away. Hence, the complaints.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in these cases. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. He would also submit that the first and second petitioners are ready to deposit Rs.40,000/- each (totally Rs.80,000/-) and the third and fourth petitioners are ready to deposit Rs.20,000/- each (totally Rs.40,000/-) to the (*) **The District Green Committee**. Hence, prays to release the petitioners on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the first and second petitioners are having 2 previous cases each in both petitions and the third and fourth petitioners are having 2 previous cases each in both petitions. Hence, prays to dismiss the petitions.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Sivagiri**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

[a] the first and second petitioners shall deposit Rs.40,000/- each (totally Rs.80,000/-) and the third and fourth petitioners are



ready to deposit Rs.20,000/- each (totally Rs.40,000/-) to **The District Green Committee** and the proof for the same shall be produced before the court at the time of executing sureties;

[b] the petitioners 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.

[c] the petitioners shall report before the respondent everyday at 10.30 a.m. until further orders;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law, as if the conditions have been imposed and the petitioners 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]**; and;

[g] if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/01/2023

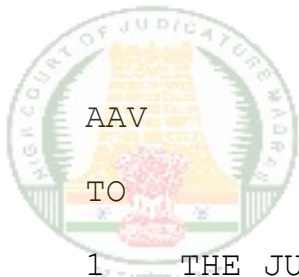
(*) FOR BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 01/02/2023 IN CRL OP(MD) Nos.584 & 585 of 2023.

Further, two weeks time is extended to comply with the conditions imposed by this Court.

/ TRUE COPY /

/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



WEB COPY

- 1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE FOREST RANGE OFFICER
SIVAGIRI RANGE, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT GREEN COMMITTEE,
TIRUNELVELI DISTRICT.

+2 CC to M/s.MATHURAM LAW ASSOCIATES, Advocate (SR-518[I] & 519(I)

ORDER

IN

CRL OP (MD) No.584 & 589 of 2023

Date :10/01/2023

PKP/BUC/SAR-1/23.01.2023/4P/8C

PKP/SBN/SAR-1/09.02.2023/4P/8C