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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2023

PRESENT

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

CRL OP(MD) . No.1814 of 2023

1.Anand

2.Murugesan @ Murugakani

... Petitioners/Accused No.3&4

Vs

The State rep.by,
Forest Range Officer,
Sivagiri Forest Division,
Tenkasi District.
WLOR No.02 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.Prabhu
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

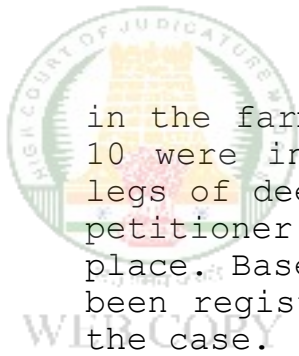
PRAYER :-

For anticipatory bail in WLOR No.02 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 2(1), 2(12A), 2(14), 2(16), 2(24A), 2(26), 2(36), 2(37), 9, 27(4), 31, 39(1), (b), 39(1)(D), 50, 51(1) (Amendment in 2022) 51(A), 52 and 57 of Wild Life Protection Act and Sections 2, 21(D) and 21(b) of Tamil Nadu Forest Act in WLOR No.02 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 16.01.2023 at about 06.00.00 hrs, when the respondent Forest officials conducted a search



in the farm belong to one Murugan, they found that the accused no 10 were in possession of two gunny bags of flesh, skin, head and legs of deer and the same was recovered from them. At that time, the petitioner along with other accused persons had escaped from the place. Based on the confession of the arrested accused, the case has been registered against the petitioners and 8 other accused. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are agricultural coolie workers and they were working in the farm at the time of inspection and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have no previous case pending against them and they are ready and willing to pay a sum of Rs.10,000/- each towards any Welfare Scheme, Trust or Organisation as prescribed by this Court, without prejudice to their contentions before the trial Court.

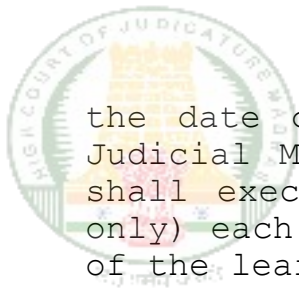
4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioners along with the other accused were in possession of two gunny bags of flesh, skin, head and legs of deer and hence, he vehemently opposed for grant of anticipatory bail to the petitioners. However, he fairly concedes that the petitioners are having no previous case.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners, without prejudice to their rights and contentions, are ready and willing to pay a sum of Rs.10,000/- each towards any Welfare Scheme, Trust or Organisation, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

7.Accordingly, each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the **Gulf of Mannar, Biosphere Reserve Trust [State Bank of India, Ramnad Branch, A/c No.33658054216, IFSC Code: SBIN0000908]**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court. However, it is made clear that the deposit being made by the petitioners, would not amount of admission of guilt by them. Therefore, it is open to the trial Court to deal with the case independently.

8.On production of such receipt/acknowledgment, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from



the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shencottai, 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 learned Magistrate concerned and on further conditions that:

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[a] 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

sd/-

10/02/2023

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
SHENCOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE FOREST RANGE OFFICER,
SIVAGIRI FOREST DIVISION,
TENKASI DISTRICT.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE GULF OF MANNAR, BIOSPHERE RESERVE TRUST,
RAMANATHAPURAM.

+1 CC to M/s.K.PRABHU, Advocate (SR-2167[I] dated 10/02/2023)

ORDER

IN

CRL OP(MD) No.1814 of 2023

Date :10/02/2023

RK/MMS/SAR- 1(27/02/2023) 4P/7C