



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9045 of 2023

1.S.Suresh

2.G.Pandi@ Kaattukuthu @ Chellapandi

... Petitioners/Accused No.1&3

Vs

The State rep.by,
The Inspector of Police,
Devathanapatti FRO
In WLOR.No. 1 of 2023
Theni District.

... Respondent/Complainant

For Petitioner : M/s.Maheswaran.R,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in WLOR No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 2(2), 2(16), 2(35), 2(36), 9, 39(1)(a)(b)(d), 44, 48A, 49, 50, 51 and 57 of Wild Life Protection Act, 1972, in WLOR No.1 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the accused persons have hunted Moose in the land belonging to one Premkumar and cut it into pieces and brought it in a plastic sack. The said property was leased out to the first accused. The defacto complainant, who is serving as Forest Ranger, seized 3.100 grams of Cervus unicolor meat, two wheeler, three cell phones in the place of occurrence. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the investigation is almost completed and two previous cases which are similar in nature are pending against the petitioners.

5.Considering the facts and circumstances of the case and also the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) each as non-refundable deposit to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai-625023 (A/c No.496039124, IFSC code: IDIB000H040), without prejudice to their rights and contentions and and produce the receipt/acknowledgment before the Judicial Magistrate, Periyakulam, Theni District.

7.On such deposit being made, 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, Periyakulam, Theni District, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

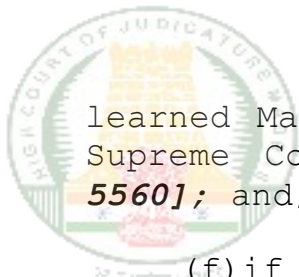
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with the 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 Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/05/2023

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/05/2023

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

ssb

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE,
DEVATHANAPATTI FRO
THENI DISTRICT.

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

COPY TO

THE OFFICER IN CHARGE,
MADRAS HIGH COURT MADURAI BENCH ADVOCATE CLERK'S
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MADURAI-625023

ORDER
IN
CRL OP(MD) No.9045 of 2023
Date :18/05/2023

RK/SAR-(25/05/2023) 3P/6C