



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

Date : 08/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.9907 of 2023

Manikandan

... Petitioner/Accused No.2

Vs

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

... Respondent/Complainant

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

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner on bail in the event of their arrest in WLOR No.1 of 2023 on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the 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 the Wild Life Protection Act 1972 in WLOR.No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Forest Ranger. On 19.04.2023, a team headed by him, were in surveillance at Devathanapatti. At that time, they found that the accused persons have selling meat to one Devanathan, suspected the situation, the defacto complainant went towards the accused persons. On seeing the defacto complainant, the accused persons ran away from the place by leaving their two wheelers and meat. On enquiry, it came to know that the accused persons have hunted the cervus unicolor in a patta land belongs to one Premkumar. The said property was leased out to A1. The defacto complainant seized 3.100 grams of cervus unicolor meat, two wheeler and 3 cell phones. Hence, the



3. Heard. Perused the materials available on record of the First Information Report.

4. It is seen from the records that the petitioner has been implicated as an accused only based on the confession statement of the co-accused. Some of the accused have already granted anticipatory bail and the arrested accused persons are also released on bail.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 Court, Periyakulam, Theni District, on condition that the petitioner shall execute 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 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 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 file an undertaking affidavit before the learned Magistrate that he will not indulge in similar type of offences again, while furnishing sureties. Failing which, the anticipatory bail already granted shall stand dismissed automatically.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/06/2023

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/06/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, DEVATHANAPATTI FRO, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-8263[I] dated 08/06/2023)

ORDER

IN

CRL OP(MD) No.9907 of 2023

Date :08/06/2023

RS/CG/SAR-(14.06.2023) 3P 6C