



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.06.2023
PRESENT

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

CRL OP(MD)No.9834 of 2023

1.K.Bharathiraja

2.Rasu

... Petitioners/Accused 5 & 6

Vs

The Forest Range Officer,
Kannivadi Range,
Kannivadi,
Dindigul District.
(W.L.O.R.No.7 of 2023)

... Respondent/Complainant

For Petitioners : Mr.V.PANDIAN, Advocate

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

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

PRAYER :- For Anticipatory Bail in W.L.O.R.No.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5 & A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 2, 9, 39, 50, 51 of Wild Life Protection Act, 1972 in W.L.O.R.No.7 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 22.03.2023, when the respondent team went to patrol duty in Chitthaiyanottai Beat Pullaveli, they saw some people were buying meat of sambar deer and they also found sambar deer's leg. The respondent police caught them red-handedly and arrested them and they confessed that the petitioners herein came along with gun and shoot down the deer and removed the legs and carried all other parts in bolero jeep bearing Reg.No.TN 56 BX 4000. Hence the case.



3. Heard both sides and perused the materials available in the record.

4. It is seen that there are totally six accused in this case, in which, the petitioners are arrayed as A5 & A6. They have been implicated as accused based on the confession statement of the co-accused. It is also seen that A1 and A4 were arrested and released on bail.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Aathoor, Dindigul, 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 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., for a period of four weeks and thereafter, as and when required for interrogation;

[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].



CRL OP(MD)



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[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

07/06/2023

/ TRUE COPY /

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WEB COPY

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

GNS

TO

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

+1. CC to M/S.PANDIAN.V Advocate SR.No.8319

ORDER

IN

CRL OP(MD) No.9834 of 2023

Date :07/06/2023

SA/BUC/SAR. /14.06.2023/3P/6C