



CRL OP(MD)No.17664 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.17664 of 2023

Prithviraj

... Petitioner/ Accused No.4

Vs

State Rep.by
The Forest Ranger,
Forest Range Office,
Srivilliputhur,
Virudhunagar District
(In W.L.O.R. No.14/2023).

... Respondent/ Complainant

For Petitioner : Mr.Jothibas, Advocate.
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in W.L.O.R.No.14 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section Chapter I Sections 2(14) (6(a)(b)(c), 35, 36, 37, Chapter III Section 9, Chapter V Section 39(1)(d), Chapter VI Section 51(d) of wild Life Protection Act, 1972, in W.L.O.R.No.14/2023, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 24.08.2023, the petitioner and other accused have entered into the forest and hunting the pig by way of blasting the bombs. On seeing the respondent, the accused persons were escaped from the occurrence place and the respondent have seized country bombs and the forest pig with broken mouth recovered from the place of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and hence, seeks anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would strongly object to grant bail to the petitioner on the ground that if the petitioner is released on bail, he would indulge in similar types of offences again.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of offence and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. 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 No.II, Srivilliputhur, Virudhunagar District, on condition that the petitioner shall execute a



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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 report before the trial Court as and when required for the purpose of interrogation.

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

[d] the petitioner 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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-

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/10/2023

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

LS

TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE FOREST RANGER, FOREST RANGE OFFICE, SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-14659[I] dated 05/10/2023)

ORDER IN

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Date :04/10/2023

RS/DD/SAR-(10.10.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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