



CRL OP(MD). No.18020 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Chinnamari

... Petitioner/ Accused No.3

Vs

The State rep.by,
The Forest Ranger,
Forest Range Office, Srivilliputhur,
Virudhunagar District.
in W.L.O.R No. 14 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Marimuthu N,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on Anticipatory Bail in the event of his arrest in W.L.O.R No 14 of 2023 on the file of the respondent



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ORDER : The Court made the following order :-

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The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections offence 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 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.08.2023, the petitioner and other accused have entered into the forest and hunted pigs by 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 submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that some of the co-accused were granted bail and anticipatory bail by this Court. Therefore, he prayed for anticipatory bail to the petitioner.

4.The Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner and other accused have entered into the forest and hunted the pigs by blasting the bombs.



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5. Considering the facts and circumstances of the case and also the fact that some of the co-accused were granted bail and anticipatory bail by this Court, 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 No.II, Srivilliputhur 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 appear before the trial Court on summons



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[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].

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

sd/-
10/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

aav



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W/TO COPY

1. THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
 3. THE FOREST RANGER,
FOREST RANGE OFFICE, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.MARUMUTHU, Advocate (SR-14987[I] dated 11/10/2023)

ORDER
IN
CRL OP(MD) No.18020 of 2023
Date :10/10/2023

RK/DD (13/10/2023) 5P / 6C

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