



Crl.O.P.Nos.8675 & 8677 of 2024

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T.V.THAMILSELVI, J.

The petitioners in Crl.O.P.No.8675 of 2024 who apprehend arrest at the hands of the respondent police for the offences originally under Man Missing and later, altered to Sections 147, 148, 304(A) of IPC and Sections 25 and 27 of Arms Act, in Crime No.148 of 2024, seek anticipatory bail.

The petitioners in Crl.O.P.No.8677 of 2024 who apprehend arrest at the hands of the respondent police for the offences under Sections 21(b), (d), (h), Act-V of Tamil Nadu Forest Act 1882 and Sections 9, 51, 52 of Wild Life Protection Act, 1972 (Amended Act 2022 and Section 20 of Indian Arms Act, 1959, in WLOR No.01 of 2024, seek anticipatory bail.

2(i). On the complaint given by the defacto complainant, a crime No.148 of 2024 had been originally registered under Man Missing stating that his son Elumalai was found missing. Later, altered to Sections 147, 148, 304(A) of IPC and Sections 25 and 27 of Arms Act.



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2(ii). An information received by the respondent Police that one unknown male body was found and recovered in the Forest area in Javathu Jills with country made gun. After investigation, A1 to A12 were entered into the forest area without permission with country made gun with intention to shot the forest animals. At that time, the shot of the gun was missing and fire to the deceased. Thereafter, all the accused persons run away from the scene of occurrence. Hence, a case in WLOR No.01 of 2024 came to be registered by the respondent Police.

3.The learned Government Advocate (crl.side) stated that out of 13 accused, 8 accused persons were secured and these petitioners were also accompanied A1 at the time of hunting.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

5.Considering the fact that the deceased who was a unmarried person and accompanied innocently along with his father and other



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hunters died and also considering the submissions made on either side, 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, Gengam, Thiruvannamalai, on condition that petitioners shall execute a separate 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 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 station on every Tuesday and



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Sunday at 10.30 a.m., for a period of three months;

(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 SCW5560]***; and;

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

7. On considering the pathetic situation of the family of the deceased, this Court recommends that it is a fit case to refer, **as per 357(A) (1) (2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Thiruvannamalai**, is hereby directed to pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Only) as interim compensation to the family of the deceased, addressing to the District



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Collector, in the manner known to law within a period of 6 weeks from
the date of receipt of copy of this order.

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