



CRL.O.P.Nos.15358 and 15456 of 2024

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T.V.THAMILSELVI,J.

The petitioner, in both Crl.O.Ps., who apprehend arrest for the alleged offences punishable under Sections 9 read with Sections 2 (16), 39, 50 and 51 of Wild Life Protection Act, 1972 in W.L.O.R.No.01 of 2024 and in Crime No.117 of 2024 for the offence punishable under Section 25(1B)(a) of Arms Act, 1959 on the file of the respondents, seeks anticipatory bail.

2. The case of the prosecution is that, petitioner owns Estate in S.F.No.1 in Naduvattam Village, Udagai Taluk, Nilgiris District. On 21.04.2024, when the Forest Officials inspected the Estate, they found that, the petitioner along with other accused were involved in hunting of Deer and Bison, and on search, they were found in possession of deadly weapons and flesh of the Deer was shared by them along with the other accused. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution



and he has been falsely implicated in this case, as if the petitioner along with other accused hunted a Deer 4 months ago and Bison 12 days ago using the weapons and shared the meat with other accused, and also permitted them to keep the weapons in the Estate belongs to him. He further submitted that the petitioner visits his Estate periodically as owner for administrative purposes, except that he has no other role. He also submitted that the petitioner was not aware of the alleged offence made by the other accused and he left for Dubai on a pre-planned trip since the petitioner is the residence of Dubai and doing business there. In fact, the other accused were released on bail. He further submitted that the petitioner is no way connected with the alleged offence and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police objected for granting bail stating that the petitioner herein is arrayed as A6 in W.L.O.R.No.01 of 2024 and A3 in Crime No.117 of 2024 dated 21.04.2024. He also submitted that the petitioner came to know about the lodging of F.I.R, he left India in order to make himself abscond



with the intention to avoid the investigation. Further, he relied upon the Judgment of the Hon'ble High Court of Kerala in *Anu Mathew Vs. State of Kerala* [Bail Application No.4421 of 2022 dated 11.04.2023] and the relevant portion is extracted hereunder:

“So, if in a case it is established and the Court is convinced that the accused/bail applicant had abscond from India and had gone abroad, after fully knowing about the registration of a non-bailable offence against him and thereafter, he files a bail application under Section 438 of the Cr.P.C. while he is still abroad, then it may not be proper exercise of discretion to grant bail in such a case.”

5. The learned Government Advocate (Criminal Side) further submitted that as per the confession of the one accused, which states that the petitioner had a call with the accused and having come to know about the lodging of FIR, he left India on 21.04.2024 and the petitioner was fully aware about the registration of the crime in respect of the non-bailable offence against him. He also submitted that this is the second bail applications of the petitioner and the earlier anticipatory bail applications were dismissed on 05.06.2024 in CrI.O.P.Nos.10608 and 10668 of 2024,



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and there is one previous case pending against the petitioner under Tamil Nadu Preservation of Private Forest Act, 1949 before the Judicial Magistrate, Gudalur. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the gravity of the offence committed by the petitioner and the conduct of the petitioner that, having knowledge about the registration of crime in respect of non-bailable offence against him, thereafter, he left India to Dubai as business trip on 21.04.2024. On perusal of the FIR, which was lodged on 21.04.2024, the petitioner name also mentioned and the proposition laid down in the referred case also apply to the fact of this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petitions are dismissed.

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