



Crl. O.P. No.19157 of 2024

Crl. O.P. No.19157 of 2024

WEB CO P.DHANABAL.J.,

The petitioner / A2 apprehends arrest for the alleged offence under Sections 2(1), 2(12)(b), 2(16)(a), 9, 39(1)(a), 50, 51(1) and 52 of Wild Animals Protection Act, 1972 in WL O.R. No.2 of 2023, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that 06.03.2023 at about 10.30 p.m., the accused A1 has put live electric fence around patta land, taking electricity from the nearby electricity post and three elephants had died in the electric fence and hence the case.

3.The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged in th FIR, that as per the prosecution case, A1 Murugesan only has put live electric fence around patta land and thereby, elephants died due to electrocution. He was arrested and remanded to judicial custody and released on bail. This petitioner is not a named accused. Therefore he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit



Crl. O.P. No.19157 of 2024

that the petitioner along with other accused have created a live electric fence around the patta land and took electricity from the nearby electric post and when the elephants crossed the land of the petitioner, three elephants died due to electrocution, that already co-accused was released on bail. However, he opposed to grant anticipatory bail to the petitioner..

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

6.Considering the rival submissions on either side and considering the fact that the co-accused was released on bail, that no previous case is pending against the petitioner and investigation was almost completed, I am inclined to grant anticipatory bail to the petitioner, subject to the following 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, Palacode** on condition that the petitioners shall each 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 learned Magistrate



Crl. O.P. No.19157 of 2024

concerned and on further condition that:

WEB COPY [a] the petitioner shall report before the concerned jurisdictional Magistrate i.e., Judicial Magistrate, Palacode on every working day at 10.30 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 269 B.N.S.2023.

21.08.2024



mjs

To

WEB COPY

1. The Judicial Magistrate, Palacode
2. The Forest Ranger, Palacode Forest Range, Dharmapuri District.
3. The Public Prosecutor, High Court, Madras.



Crl. O.P. No.19157 of 2024



WEB COPY



Crl. O.P. No.19157 of 2024

P.DHANABAL,J

mjs

CRL O.P. No.19157 of 2024

21.08.2024