



WEB COPY



CRL O.P. No.19979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19979 of 2024

Mahendran

... Petitioner/Accused

Vs

State rep. by:-

The Forest Range Officer,
Forest Office Dharmapuri,
Dharmapuri District.
(WLOR. No.17 of 2024)

...Respondent/Complainant

For Petitioner : Mr. M.Selvam
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in WLOR No.17 of 2024 on the file of the Forest Range Officer, Dharmapuri District, Dharmapuri.



CRL O.P. No.19979 of 2024

ORDER

WEB COPY

The petitioner/accused, who was arrested and remanded to judicial custody on 23.11.2023 for the offences punishable under Section 2(16), 9, 50, 51(1) of Wild Life Protection Act 1972 read with Section 25(1A) of the Indian Arms Act in WLOR.No.17 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on receipt of information, the forest official conducted a raid and they found that the accused A1 and A2 were in possession of country made crackers used to target the wild animals and they fled away from the scene of occurrence on seeing the forest officials and subsequently, the respondent conducted a search in A1's house and found Deer skin, Horn, charcoal powder, knife and wire. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. Learned counsel would further submit that petitioner is in judicial custody for more than 200 days and the co-accused in this case was already arrested and released on bail. Hence, he seeks bail.



CRL O.P. No.19979 of 2024

4. The learned Government Advocate (Crl. Side) would submit that the accused A1 and A2 were in possession of country made crackers used to target the wild animals and they fled away from the scene of occurrence on seeing the forest officials and subsequently, the respondent conducted a search in A1's house and found Deer skin, Horn, charcoal powder, knife and wire. Hence, he opposed to grant bail to the petitioner.

5. Heard both side counsels and perused the materials available on record.

6. Considering the rival submissions made on either side and the co-accused was already released on bail and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **Judicial Magistrate-II, Dharmapuri**, and on further conditions that:



CRL O.P. No.19979 of 2024

[b] the petitioner shall report before the respondent police, on every day for a period of 30 days.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

22.08.2024

jai

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order



WEB COPY



CRL O.P. No.19979 of 2024

To

1. The Judicial Magistrate-II, Dharmapuri.
2. The Forest Range Officer,
Forest Office Dharmapuri,
Dharmapuri District.
3. The Central Prison, Salem.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.19979 of 2024

P.DHANABAL,J,

jai

CRL.OP.No.19979 of 2024

22.08.2024