



Crl. O.P. No.20948 of 2024

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P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 2(16)(a), 9 r/w 39(1)(d) of the Wildlife Protection Act, 1972 in W.L. O.R. No.1 of 2024, on the file of the respondent seeks anticipatory bail.

2. The case of the prosecution is that on 25.01.2024, the respondent found the guar / Indian Bison Bos Gaurs were found dead near Farenhite Estate and when the said body of the Gaur was sent to post mortem, it came to light that the Guar died due to internal haemorrhages and shock caused by gun shot and on 06.06.2024, A1 was arrested and on enquiry, it came to know that A1 along with this petitioner and other accused, poached the Guar / Indian Bison-Bos Gaurs and hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner has been falsely implicated in this case for the alleged offences under Sections 2(16)(a), 9 r/w 39(1)(d) of the Wildlife Protection Act, 1972 and he has not committed any offence as alleged and even as per the prosecution case, the petitioner along with other accused have



Crl. O.P. No.20948 of 2024

committed offences and already A1 was arrested and based on his confession statement, this petitioner has been arrayed as an accused and therefore, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that the petitioner along with other accused have committed the offences and already A1 was arrested and based on his confession statement, country made gun and explosive substances were recovered and this petitioner has directly participated in the occurrence and investigation is at initial stage and hence strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the submissions putforth on either side, considering the fact that there is no previous case pending against the petitioner, that the petitioner has been arrayed as an accused based on the confession statement of co-accused and also that the co-accused was arrested and released on bail, 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



Crl. O.P. No.20948 of 2024

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, Gudalur** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every day at 10.00 a.m. for a period of 30 days.

[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 them 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



Crl. O.P. No.20948 of 2024

of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

03.09.2024

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To

- 1.The Judicial Magistrate, Gudalur
- 2.The Forest Range Officer, O'valley Forest Range, O'valley, The Nilgiris.
- 3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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Crl. O.P. No.20948 of 2024

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03.09.2024