



Crl. O.P. No.25157 of 2024

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P. DHANABAL.J.,

The petitioner / Accused No. 2, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 9, 51, 56 of the Wildlife Protection Act 1972 and Section 7(a,b), 27(2) of the Arms Act 1950 in connection with the W.L.O.R. No.16 of 2024 on the file of respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused killed the Leopard by using a country made gun. Hence the case.

3. The learned counsel appearing for the petitioner would submit that respondent police have registered a false case against this petitioner. As per the prosecution case, the petitioner along with other accused killed the leopard using country made gun. In fact, this petitioner is no way connected with the above said offence. He is one of the villagers of Kuppagounder Kaadu, Thinnapatti Village and he owns agricultural lands in the said village, adjacent to Vellakarattur Forest. On 09.09.2024, the leopard was roaming in the Vellakarattur forest area and eat more than 20 goats and cows in the village and hence they are facing life threat from the



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leopard. While so, A1 Munusamy, who is the Ex-Panchayat President and his wife, Panchayat President made a complaint before the forest officials and the forest officials have also fixed a trap camera to monitor the movement of leopard. Unfortunately, the leopard died in the place of Muniyappan Temple, near Vellakarattur Zone, which has been found by the forest officials on 26.09.2024. Initially the case was registered as against unknown persons and thereafter, they suddenly arrested A1 and 2 others on 29.09.2024 and as per the confession statement of the co-accused, this petitioner has been arrayed as accused in this case and he is no way connected with the above said crime and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that already the respondent have received complaint from the villagers and they also have taken steps and also fixed trap camera to monitor the movements of leopard. While so, on 26.09.2024 at about 5.30 p.m., they found the leopard died near Muniyappan temple and thereafter, they registered the case and conducted enquiry. At that time, they came to know that the petitioner along with other accused killed the leopard by using country made gun. Thereafter,



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they arrested A1 and A4 and based on their confession statements, this petitioner was also added as an accused. The offences are grave in nature and investigation is at initial stage and hence he strongly objected to grant anticipatory bail to the petitioner. However, the learned Government Advocate appearing for the State admitted that already the co-accused A1 and A4 were arrested and released on bail and there is no previous case pending against this petitioner.

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

6. Considering the representations made on either side, considering the nature of offences charged against the petitioner, considering the fact that already the respondent themselves had been searched the leopard in the village, that this petitioner was only added as an accused, based on the confession statement of the co-accused, that there is previous cases pending against this petitioner and the co-accused were 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



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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 **Judicial**

Magistrate Court No.I, Mettur, Salem District 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 daily at 10 a.m., for a period of 30 days and thereafter as and when required for interrogation;

[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



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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.

14.10.2024

mjs

To

- 1.The Judicial Magistrate Court No.I, Mettur, Salem District
2. The Public Prosecutor, High Court, Madras.
- 3.The Forest Range Officer, Mettur Forest Range, Mettur, Salem District.

P.DHANABAL,J
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