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Crl.O.P.No.26044 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26044 of 2024

Samuvel

...Petitioner/Accused

Vs.

State rep by
Tamil Nadu Forest Department
Forest Division, Cuddalore
Forest Range, Virudhachalam
Forest Section, Thozhuthur
Cuddalore, District.
(WLOR.No. 10 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in WLOR No. 10 of 2024 on the file of the respondent police.

For Petitioner : Mr. M.Selvam

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



CrI.O.P.No.26044 of 2024

WEB COPY

ORDER

The petitioner, who was arrested on 26.09.2024 and remanded to judicial custody on the same day for the offences under Sections 2, 9, 39(1)(a)(b)(d), 39(3)(a)(b)(c), 40(2), 50, 51 and 57 of Wild Life Protection Act 1972 amendment Act 2022 read with Section 3, 7, 8, 20 and 27 of Arms Act, in WLOR No. 10 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that The accused persons were illegally transported Deer Curry in Renault Kwid Car and also found in possession of country made crackers. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.26044 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that the petitioner along with other accused were found in possession of country made gun for hunting and there are one previous case against the petitioner.

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

6. Considering the submissions made on both sides and taking into consideration the period of incarceration undergone by the petitioner from 26.09.2024 and though the petitioner is having one previous case, in that, he was granted bail and no wild animal was recovered from this petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. Accordingly, the petitioner is ordered to be released on bail on his executing 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 court of ***Judicial Magistrate No.1, Virudhachalam***, and on further conditions that:



CrI.O.P.No.26044 of 2024

WEB COPY

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for 30 days;

[c] The petitioner shall attend in accordance with the conditions of the bond;

[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or trial;

[f] 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 or tamper with evidence;



CrI.O.P.No.26044 of 2024

WEB COPY

[g] 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

21.10.2024

vsg

To

1.Judicial Magistrate No.I, Virudhachlam.

2.Central Prison, Cuddalore.

3.Tamil Nadu Forest Department
Forest Division, Cuddalore
Forest Range, Virudhachalam
Forest Section, Thozhuthur
Cuddalore, District.

4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26044 of 2024

P.DHANABAL, J.

vsg

Crl.O.P.No.26044 of 2024

21.10.2024