



CRL O.P. No.26496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26496 of 2024

Munusamy

... Petitioner / Accused - 1

Vs

State rep. by
Forest Range Officer,
Mettur Forest Range,
Salem District.
(WL.OR.No.16 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in WL.OR.No.16 of 2024, on the file of the respondent.

For Petitioner : Mr.C.Deepak Kumar

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



ORDER

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The petitioner / A1, who was arrested and remanded to judicial custody on 01.10.2024 for the offence punishable under Sections 9, 51, 56 of Wild Life Protection Act, 1972 and 7(a,b) and 27(2) of Indian Arms in WL.OR.No.16 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that due to the movement of Leopard in the Village, on 26.09.2024, the respondent monitoring the Vellakaradu Forest by drone camera, at that time, they found that a male Leopard was hunted by someone with country made gun. Later upon investigation, it was found that the petitioner along with other accused were committed the above offence. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that 25 days prior to the date of occurrence, the said Leopard was continuously attacking the goats, cow and public in the said village and due to inaction of the respondent for securing the leopard, the petitioner and other villagers were conducted a strike in Kolathur to MM Hills road. At that time there was a wordy quarrel aroused between the respondent and the petitioner. Due to such enmity, the respondent falsely



implicated the petitioner in this case. He would further that anticipatory bail was granted to the co-accused / A2 by this Court and the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with other accused had killed a leopard with the help of country made gun and from him two country made guns have been recovered. He would further submit that are no previous cases pending as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offences charged against the petitioner and considering the fact that already the respondent themselves had been searched the leopard in the village and that there is no previous case pending against the petitioner and already the co-accused was also



released on anticipatory bail by this Court and also considering the period of custody undergone by the petitioner, this Court is 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 Judicial Magistrate – I, Mettur and on further conditions that;

[b] the Petitioner shall report before the respondent police on all working days at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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;

[e] the Petitioner shall not abscond 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]; and



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

24.10.2024

smv

To

- 1.The Judicial Magistrate – I, Mettur.
- 2.The Forest Range Officer,
Mettur Forest Range,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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