



Crl.O.P.No.29922 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 21(1)(2) (12-A) (15) (1) (24) (35) (36) (37) and Sections 9, 39, 50, 52, 56, 57 r/w. Section 51 of Wild Life Protection Act, 1972 in W.L.O.R. No.5 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with other accused had illegally given electric supply to the barbed wire fence fixed with the stone pillar in their farm lands, due to which, a wild male elephant came out of reserved forest in search of food, came in contact with the electric fence, electrocuted and died. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence and falsely implicated in this case. He would further submit that actually, the male elephant came out of the reserve forest for search of food, entered into the campus of J.K.K. Engineering College, by destroying the electric fence. Thereafter, it had entered



into the private lands of the petitioner herein, where sugarcane is cultivated and while returning back, got contacted with the electric fence, electrocuted and died in the farm belongs to the said college and not in the petitioner's farm. He would further submit that the A1 was arrested and enlarged on bail by the learned Principal Sessions Judge, Erode, by an order dated 03.12.2024 in Crl.M.P.No.3797 of 2024. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that A1 and the petitioner herein had illegally electrified their fence in the farm land, thereby, a wild elephant came in contact with the electric fence, electrocuted and died. He also submits that co-accused was arrested and released on bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and



perused the materials available on record including the FIR.

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6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and considering the fact that the co-accused was arrested and enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the 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 learned Judicial Magistrate-I, Gobichettipalayam** on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent forest officials daily at 10:00 a.m., until further orders.

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

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 of B.N.S.

04.12.2024

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