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Crl.O.P.No.30187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30187 of 2024

1.Kanish

2.Thirumoorthi

.... Petitioners

Vs

State rep. by
The Forest Range Officer,
FRO, Morappur Circle,
Harur,
Dharmapuri District.
(WLOR No.23 of 2024)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with WLOR No. 23 of 2024 pending on the file of the respondent police.

For Petitioner : Mr.J.Pradeep
For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with WLOR No.23 of 2024 registered for the offences punishable under Sections 21(d) of Tamil Nadu Forest Act, 1882, r/w. Sections 2(16), 9, 39, 41, 50, 51 of Wild Life Protection Act, 1972 and Sections 9, 25(1)(a) of the Arms Act 1959, the



present petition has been filed seeking anticipatory bail.

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2. The case of the prosecution is that the petitioners, along with other accused, trespassed into a reserved forest area and attempted to hunt. When the officials attempted to apprehend them, the accused fled way from the scene, after abandoning a loaded country gun. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that A1 was arrested and subsequently released on bail. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners, along with other accused, trespassed into the reserved forest area and attempted to hunt. He would submit that the petitioners have no previous cases pending against them.

5. Having heard the learned counsel for the petitioners and the



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learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Harur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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



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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 BNS.

09.12.2024

Index : Yes/No
Internet : Yes/No
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To

1.The Forest Range Officer,
FRO, Morappur Circle,
Harur,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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