



CRL OP(MD) No.245 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.245 of 2024

SARATH KUMAR

... PETITIONER/ACCUSED NO.2

Vs

THE FOREST RANGER
RAMANATHAPURAM FOREST RANGE,
RAMANATHAPURAM DISTRICT.
WLOR NO.13 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.NIHAR ALI, Advocate
For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN W.L.O.R.NO.13 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 9, 39(a)(b)(d) and 51 of Wild Life Protection Act in W.L.O.R.No.13 of 2023 on the file of the Forest Ranger, Ramanathapuram Forest Range, Ramanathapuram District, seeks anticipatory bail.



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2.The case of the prosecution is that on 30.11.2023, the de-facto complainant along with the officials conducted a search at Manjalvettai marampallam and found that one Muthukumar was in possession of the deer skin, deer legs and gravy and based on his confession, the petitioner and other accused were implicated in this case. Hence, the Law Enforcing Authority, registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and based on the confession statement of the co-accused, the petitioner was implicated in this case. However, on instructions, he further submitted that the petitioner is ready to abide any condition that may be imposed by this Court and also ready to deposit a sum of Rs.30,000/- (Rupees Thrity Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, to show his bona-fide. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the State submitted that the petitioner and other accused were found in illegal possession of hunted deer and the petitioner is having one previous case under MMDR Act. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the



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fact that the petitioner has come forward to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, without prejudice to his rights and contentions to show his bona-fide and A1 was already released on bail, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand) by way of Demand Draft/RTGS/NEFT to the credit of "The Director, Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur,



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Chennai-600 048," for welfare of the animals, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police as when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(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;



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(h)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
08/01/2024

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/01/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE FOREST RANGER, RAMANATHAPURAM FOREST RANGE,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DIRECTOR,
ARIGNAR ANNA ZOOLOGICAL PARK,
GRAND SOUTHERN TRUNK ROAD,
VANDALUR, CHENNAI - 600 048.

ORDER IN
CRL OP(MD) No.245 of 2024
Date :08/01/2024

RS/JGB/SAR-(11.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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