



CRL OP(MD) No.3766 of 2024

WEB COPY

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3766 of 2024

MATHANRAJ @ MATHANKUMAR ... PETITIONER/ACCUSED RANK NO.3

Vs

THE FOREST RANGER
RAJAPALAYAM FOREST RANGE,
MEHAMALAI TIGER SANCTUARY,
VIRUDHUNAGAR DISTRICT.
(W.L.O.R NO. 08/2023)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.RAJABOOPATHY, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

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

PRAYER : TO ENLARGE THE PETITIONER / ACCUSED ON BAIL IN THE EVENT OF ARREST IN W.L.O.R NO. 08/2023 PENDING INVESTIGATION ON THE FILE OF THE RESPONDENT FOREST RANGER, RAJAPALAYAM FOREST RANGE, MEHAMALAI TIGER SANCTUARY, VIRUDHUNAGAR DISTRICT.

ORDER : The Court Made the following order :-

The petitioner/3rd Accused, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 2(11, 14, 16, 20, 24A, 36, 37),

9, 11, 48, 48A, 49A, 49B, 50, 51, 52 and 57 of Wild Life Protection Act, 1972, in

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.3766 of 2024

WLOR.No.08 of 2023, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that on 07.11.2023, at about 7.00 p.m, on secret information received, the defacto complainant along with forest Officers conducted vehicle check up at Ayyanar Kovil Road to Rajapalayam Town Main road and found that the petitioner and others were in possession of meat of wild animals and the accused persons ran away from the scene of occurrence. Hence, the Law Enforcing Authority, registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instruction, he would further submit that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, without prejudice to his right and contention before the concerned Court. 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 is having three previous cases, among which, one case is registered for the similar offences. Hence, he strongly opposed to grant anticipatory bail to the petitioner. Further, the co-accused were enlarged on bail by this Court and by the concerned Court.



CRL OP(MD) No.3766 of 2024

WEB COPY

5. Considering the facts and circumstances of the case, this Court is 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, Rajapalayam, Virudhunagar District, 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 is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft in favour of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, without prejudice to his right and contention before the concerned trial Court, for welfare of the animals.

(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



CRL OP(MD) No.3766 of 2024

pass Book to ensure his identity;

WEB COPY

(d) the petitioner shall report before the respondent police daily at 10.30 a.m.

until further orders;

(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;

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

sd/-

08/03/2024

/ TRUE COPY /

/03/2024

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

INDU



CRL OP(MD) No.3766 of 2024

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE FOREST RANGER, RAJAPALAYAM FOREST RANGE,
MEHAMALAI TIGER SANCTUARY, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-2970[I] dated 08/03/2024)

ORDER
IN

CRL OP(MD) No.3766 of 2024

Date :08/03/2024

RS/JGB/SAR-(15.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023