



CRL OP(MD).No.5843 of 2024

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

Date : 17.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Thirumurugan
2. George Kutti @ Penni

... Petitioners/ Accused No.1 & 2

Versus

The Inspector of Police,
Kumuli Police Station,
Theni District.
(Crime No.89 of 2023)

...Respondent/ Complainant

For Petitioners : Mr.S.Deenadhayan, Advocate
for M/s.S.Mahendrapathy, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.89 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioners in Crime



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No.89 of 2023 for the offence under Sections 294(b), 353, 307 IPC r/w. 25(1a) of Arms Act 1969 and Section 176(1A)(i) of Cr.P.C. altered into Sections 294(b), 353, 307 IPC and Sections 25(1A) of Arms Act 1959 and 176 (1A(i)) of Cr.P.C. altered into 302 and 201 IPC and remanded them into judicial custody on 29.02.2024. Therefore, the petitioners have filed this petition seeking bail.

2. The petitioners are working as Forest Guards. On 28.10.2023, the Forest Officials were on anti-poaching activity in the forest area at Gudalur Lower Camp area, which has been declared as Reserve Forest Area. Two teams were sent to the Forest area. One team headed by the first accused found a trench surrounded by illegal fencing of wire inside the forest area. On seeing the party, the deceased attempted to attack the forest officials and for their self-defence, A1 used his gun and shot the deceased and subsequently, the deceased died on the spot. Therefore, the petitioners were arrested on 29.02.2024.

3. The learned counsel appearing for the petitioners submits that the deceased in this case is a forest offender and he was involved in seven case pertaining to the forest offences. He further submits that based on the information received by the Forest Officials, the petitioners went to the forest area and they found illegal electric fencing. On seeing them, the deceased attacked the petitioners. In order to safeguard themselves, the petitioners shot the deceased. There is no motive on the



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petitioners.

part of the petitioners to kill the deceased. Therefore, he prays for grant of bail to the

4. The learned Additional Public Prosecutor strongly opposes to grant bail on the poacher of the deceased. He further submits that the gun shot was heard by other teams at 8.00 p.m., but, the petitioners claim that they have shot the deceased at 9.45 p.m.

5. Considering the nature of allegation, the period of incarceration and also considering the submission of the learned counsel appearing for the petitioners that in order to safeguard themselves, the petitioners shot the deceased, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail

i) on the petitioners executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;



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iii) The petitioners shall report before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. They have to co-operate for the investigation.

iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the bail.

sd/-
17/04/2024

/ TRUE COPY /

17/04/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

To

1.The Judicial Magistrate,
Uthamapalayam, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.



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3.The Inspector of Police,
Kumuli Police Station,
Theni District.

4.The Superintendent,
Central Prison,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-4513[I] dated 17/04/2024)

ORDER

IN

CRL OP(MD) No.5843 of 2024

Date :17/04/2024

ED/ /SAR- (17/04/2024) 5P / 7C

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