



CRL OP(MD). No.17100 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Ganesan

... Petitioner/ Accused Rank No.2

Vs

The State of Tamil Nadu,
Rep by the Forest Ranger,
Srivilliputhur Forest Range,
Mehamalai Tiger Sanctuary.
Virudhunagar District.
W.L.O.R No. 12/2024.

... Respondent/ Complainant

For Petitioner : Mr.S M Ramasiva, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- To enlarge the petitioner in Anticipatory bail in the event of arrest in WLOR No. 12 of 2024 dt. 19.08.2024 by the respondent Forest Ranger for the alleged offence under sections 2(16)(a) (b)(c), 9, 35, 36, 39 (a)(b)(d)(3), 40, 50 and 51 of Wildlife Protection Act, 1972, on the basis of the complaint given by the de facto complainant by name on Sundravalli who this the Forest Range Srivilliputtur Forest Range,

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Mehamalai Tiger Sanctuary, Virudhunagar District.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 2(16)(a) (b)(c), 9, 35, 36, 39 (a)(b)(d) (3), 40, 50 and 51 of Wildlife Protection Act, 1972, in W.L.O.R No. 12/2024, seeks anticipatory bail.

2.The case of the prosecution is that in the petitioner's farm, a 20 year old elephant died due to electrocution. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the earlier anticipatory bail application was dismissed only on the ground that as if a fencing of live wire was erected. But however, this is not a case of erection of live wire fencing. But it is a trap set up by the watchman himself inside the land by placing four sticks and drawing wires within the four sticks. The petitioner being the owner of the land, had no idea whatsoever that the watchman has been doing this. The petitioner is owning the land for the past 20 years and there has not been any incident.

4.Heard the learned counsel on either side and perused the material records of the case.

5.A perusal of the case diary produced on where the respondent also confirms that this is a trap, which is set and not a live wire fencing. Only taking into account of



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the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II at Srivilliputhur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks;

(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



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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;

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

7.The petitioner shall also erect solar fencing, covering his entire farm strictly as per the rules framed by the Government of Tamil Nadu within a period of eight weeks from the.date of receipt of a copy of this order.

sd/-
04/10/2024

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/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

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

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

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

ORDER
IN
CRL OP(MD) No.17100 of 2024
Date :04/10/2024

SA/MMS/SAR. /19.10.2024/5P/5C

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