



Crl.O.P(MD)No.9988 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 18.06.2025

Pronounced on : 03.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Cr1.O.P(MD)No.9988 of 2025

Packiyaraj

...Petitioner/ Accused No.1

Vs.

State of Tamil Nadu rep. by
Forest Range Officer,
Bodi Range Office,
Theni District.
(WLOR.No.04 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of his arrest or surrender before the Court in connection with WLOR.No.04 of 2025 on the file of the respondent Forest Range Officer.

For Petitioner : Mr.G.Anto Prince

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.side)



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ORDER

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The petitioner seeks anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offences U/s.2(16)(a)(b)(c), 9, 39, 44, 49, 50, 51, 51(A) of the Wildlife (Protection) Act, 1972 and U/s.21(d)(h) of the Tamil Nadu Forest Act, 1882 in connection with case registered under WLOR.No.4 of 2025 on the file of the respondent police.

2. The case of the prosecution is that the petitioner along with other accused are alleged to have hunted two deers by using a double-barrel gun and other materials.

3. The learned counsel for the petitioner has submitted that the petitioner is a military serviceman who possessed a licensed gun during his service. He had returned to his village on leave and his family traditionally possessed such arms. The petitioner has not been involved in the alleged hunting incident. The hunted animal read-handedly recovered and the arrested accused was released on bail by the Principal Sessions Court, Theni. The petitioner is having good conduct and he has been issued various conduct certificates by the government. The petitioner's anticipatory bail petitions were dismissed three times. The petitioner has no previous case. He is ready to abide by any condition imposed by this Court and hence, he may be granted anticipatory bail.

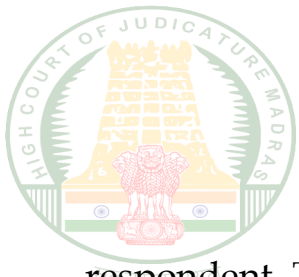


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4. The learned Government Advocate (Criminal Side) appearing for the respondent police filed a counter and objected the petition. He would submit that the accused hunted a pregnant deer. The petitioner is Accused No.1. Accused No.2 was already arrested and he was released on bail. The petitioner has no previous case. Investigation is also pending. Hence, he prays for dismissal of this petition.

5. Heard and perused the available records. It is seen from the records that the petitioner is an army man and is having gun licence, he came to the village on leave. After the alleged occurrence, the petitioner moved anticipatory bail petition thrice before the Principal Sessions Court, which were dismissed. It is a well accepted principle that the bail is the rule and the jail is the exception. The Hon'ble Supreme Court held in **2021(5) KHC 353 (Siddharth Vs. The State of Uttar Pradesh and another)** that "the occasion to arrest an accused during investigation arises when custodial investigation becomes necessary, or it is a heinous crime, or where there is a possibility of influencing the witnesses or the accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that the arrest must be made". In this case, the hunted deer was recovered. The arrested coaccused/Accused No.2 was released on bail. The earlier three anticipatory bail petitions were dismissed, even then, there is no coercive action taken by the



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respondent. The learned Government Advocate (Crl.side) for the respondent admits
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that the petitioner has no previous case.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

7. Accordingly, the petitioner 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 on which the order copy made ready, before the learned Judicial Magistrate, Bodinayakanur, Theni District, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 Judicial Magistrate, Bodinayakanur, Theni District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 furnish his residential address and contact number to the learned Judicial Magistrate, Bodinayakanur, Theni District. In the event of any change in his residential address, the petitioner shall report the same to the learned



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Judicial Magistrate, Bodinayakanur, Theni District;

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(c) the petitioner shall report before the respondent/Forest Range Officer, Bodi Range Office, Theni District daily at 10.00 a.m. until further orders;

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

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

(f) 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;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
03/07/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE JUDICIAL MAGISTRATE, BODINAYAKANUR,
THENI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE FOREST RANGE OFFICER,
BODI RANGE OFFICE,
THENI DISTRICT.

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

+1. CC to ANTO PRINCE G Advocate SR.No.7112 (I) DT.03/07/2025

ORDER
IN

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Date :03/07/2025

NM/09.07.2025/ 6P/6C

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