



CRL OP(MD). No.11075 of 2025

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

Date : 01.07.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.11075 of 2025

Malaichamy,
S/o.Perumal Thevar

...Petitioner / Accused No.5

Vs.

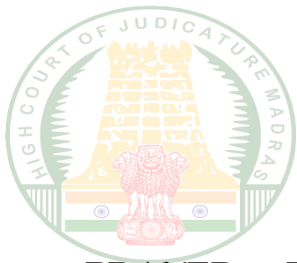
The State of Tamil Nadu,
Rep by the Forest Range Officer,
Gandamanur Forest Range,
Gandamanur,
Aundipatti Taluk,
Theni District.
(W.L.O.R. No.2 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.D.Malaichamy,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.



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PRAYER :- For Bail in W.L.O.R. No.2 of 2025 on the file of the respondent.

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ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 30.05.2025 for the offences punishable under Sections 2(16), 9, 39, 49(B), 50 and 51 of Wild Life Protection Act, 1972, in W.L.O.R. No.2 of 2025 on the file of the respondent, seeks bail.

2. The case of the prosecution is that, on 29.05.2025 at about 6:30 p.m., the petitioner, along with the other accused, killed a deer and was in the process of butchering it. When the respondent police arrived at the scene, the other accused persons fled, and the petitioner was apprehended by the respondent police. Upon enquiry, the petitioner is said to have confessed that the other accused, A1 to A4, had killed the deer, and that he joined them during the butchering of the animal. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the



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prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner is in custody from 30.05.2025.

Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally five accused persons in this case and the petitioner has been arrived as A5. He would further submit that the respondent police seized the parts of the deer from the possession of the petitioner. He would further submit that there are no previous cases against the petitioner. He would also submit that the investigation in this case is still pending and therefore, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also the fact that there are no previous cases against the petitioner, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Aundipatti, and on further conditions that:-

[a] 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 mobile number to the learned Judicial Magistrate, Aundipatti. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Aundipatti.

[c] the petitioner shall appear and sign before the respondent / Forest Range Officer, Gandamanur daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
01/07/2025

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01/07/2025
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,
Aundipatti.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Officer-in-Charge,
District Prison,
Thekkampatti,
Theni.
4. The Forest Range Officer,
Gandamanur Forest Range,
Gandamanur,
Aundipatti Taluk,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-6969[I] dated 01/07/2025)

ORDER
IN

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Date :01/07/2025

HPS/01.07.2025 /6P/7C

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