



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

Friday, the First day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10876 of 2016

M.ARJUNAN

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY

THE FOREST RANGER

RAMANATHAPURAM RANGE

RAMANATHAPURAM

W.L.OR.NO.8/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S R.ALAGUMANI Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

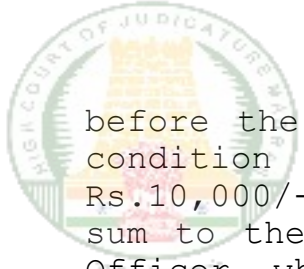
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 39, (1(a)(b)3) 50 and 51 and Schedule I Part II A, Serial No.3 of Wild Life Protection Amendment Act in W.L.OR.No.8 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that while the respondent Police was conducting inspection, they found that the first accused with a travel bag having 26 kgs. of sea horse was standing near Thondi Bus Stand. On enquiry, he stated that the petitioner advised him to transport the said Sea Horse to Bangalore through a private bus. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the co-accused in this case was arrested and enlarged on bail and the property was seized. He further submitted that investigation is over and charge sheet has also been filed.

5.Considering the facts and circumstances of the case and also considering the fact that charge sheet has been filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 / Munsif, Thiruvadaanai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 condition that:

- (i) the petitioner shall appear before the concerned Court daily at 10.30 a.m., until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

01/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE/MUNSIF, THIRUVADAANAI, RAMNAD DISTRICT.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, RAMNAD.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE FOREST RANGER, RAMANATHAPURAM RANGE, RAMANATHAPURAM.

+1. CC to M/S R.ALAGUMANI Advocate SR.No.34737

ORDER IN

CRL OP(MD) No.10876 of 2016

Date :01/07/2016

PBK/SK-SKN/SAR-II 06/07/2016 ::1P-6C::