



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16747 of 2017

MOHAMED MYDEEN

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY,
THE FOREST OFFICER,
RAMANATHAPURAM RAGE FOREST RANGE,
RAMANATHAPURAM,
(IN W.L.O.R.NO.8 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.A.S.ALAUDEEN, Advocate

For Respondent : MR.K.S.DURAIPANDIAN, Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

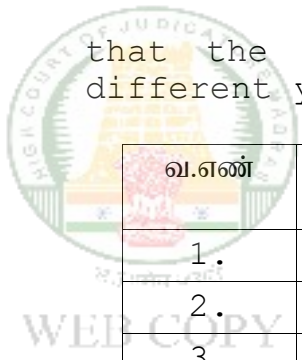
Heard both sides.

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 9, 39, (I,a,b,d,3) 50 and 51 of Wild Life Protection Act, 1972 and amended 2002 in W.L.O.R.No.8 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused was carried the prohibited few quantities of un-preserved sea cucumber through omni van. On seeing the respondent police the petitioners were fled away from the place of occurrence and the same has been seized by the respondent police.

3.The learned counsel for the petitioner submitted that the case has been registered belatedly on 27.10.2017, though the respondent police seized the materials from another person/A's vehicle on 26.10.2017. He further submitted that he is an innocent person and based on the confession statement of A1, he has been falsely implicated in the above said crime.

4.The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that the investigation is not yet completed. The property which was possessed by the petitioner and was recovered. He further submitted



that the petitioner is having the following previous cases in different years, which are as follows:

வ.எண்	வுன் உயிரினகுற்ற அறிக்கை என். (WLOR NO)	தேதி	குறிப்பு
1.	06/2009	19.10.2009	420 கிலோ கடல் அட்டை
2.	02/2011	19.06.2011	30 கிலோ கடல் அட்டை
3.	05/2011	19.06.2011	260 கிலோ கடல் அட்டை
4.	04/2012	27.02.2012	150 கிலோ கடல் அட்டை
5.	02/2013	22.05.2013	48 கிலோ கடல் அட்டை
6.	07/2013	17.06.2013	5 கிலோ கடல் அட்டை
7.	12/2013	24.10.2013	35 கிலோ கடல் அட்டை

So according to prosecution, the petitioner is having 7 previous case, it is clearly shows that the petitioner is having a habitual offender and he is having a habit to commit the same type of offences. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the gravity of the offence and also considering the fact that the petitioner is a habitual offender and the petitioner is having number of previous cases pending against him, this Court come to the conclusion that in order to complete the investigation, custodial interrogation is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioners/A2. Accordingly, this Criminal Original Petition is dismissed.

sd/-

04/01/2018

/ TRUE COPY /

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

TO

- 1 THE FOREST OFFICER,
RAMANATHAPURAM RAGE FOREST RANGE, RAMANATHAPURAM.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.16747 of 2017

Date : 04/01/2018