



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

Thursday, the Twenty Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.14813 of 2018

1.SARAVANAN
2.M.PRABAKARAN
3.K.JEYAKANTHAN

... PETITIONERS / ACCUSED
No.1 to 3

Vs

STATE REPRESENTED BY
THE FOREST RANGER,
ARANTHANGI FOREST RANGE,
BDOR No.1/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.NEELAMEGAM Advocate

For Respondent : Mr.V.NEELAKANDAN Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

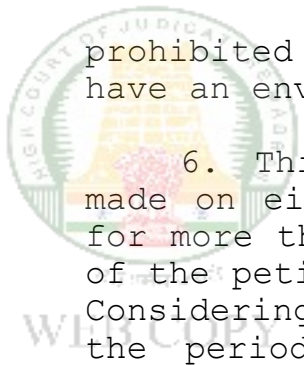
ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 27.07.2018 for the offences punishable under Sections 7 & 55(2), 58,61(a) of Biological Diversity Act, 2002, in BDOR Crime No.1 of 2018 on the file of the respondent police. They seek bail.

2. The case of the prosecution is that on receipt of secret information, the Forest Officer made a raid at Manamelgudi on 26.07.2018 and found that the accused persons had transported in a box 25 Kg of Arenicola and they were arrested by the Forest Officer on the same day. The further case of the prosecution is that these Arenicola is in the prohibited list as per the schedule submitted by the Government of India.

4. The learned counsel for the petitioners would submit that the petitioners were arrested on 26.07.2018 and remanded to judicial custody on 27.07.2018 and they are inside jail for more than 27 days. He would further submit that the entire box in which Arenicola was alleged to have been taken was seized by the respondent and the same has been destroyed. Hence, he prays for grant of bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that the Arenicola that was seized by the respondent police is in the



prohibited list and if such regular smuggling happens, the same will have an environmental impact.

6. This Court has taken into consideration, the submissions made on either side. In this case the petitioners are in custody for more than 27 days. The 25 Kg Arenicola which was in possession of the petitioners have been seized and destroyed by the respondent. Considering the above facts and circumstances and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi

(ii) the petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of ten days;

sd/-
23/08/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
 2. THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
 3. THE FOREST RANGER,
ARANTHANGI FOREST RANGE, ARANTHANGI
 4. THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.NEELAMEGAM Advocate SR.No.15917

ORDER
IN
CRL OP(MD) No.14813 of 2018
Date : 23/08/2018

TK/PN/SAR.2/23.08.2018/2P-7C