



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9884 of 2019

Meerasa

... Petitioner/Accused No.2

Vs

State Rep.by
The Forest Ranger,
Keelakkarai Forest Range,
Keelakkarai,
Ramanathapuram District.
in W.L.O.R. No.2 of 2019.

... Respondent/Complainant

For Petitioner : M/s.B.N.Raja Mohamed,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in W.L.O.R. No.2 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ Accused No.2 seeking bail for the alleged offence punishable under Sections 9, 39 (1) (a) (b) (d), 39(3), 49(A) (a) (b), 50, 51(1) and 52, The Wildlife Protection Act, 1972, in W.L.O.R.No.2 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that already A1 was arrested and remanded to judicial custody and subsequently he was released on bail and only based on the confession given by A1, the petitioner herein has been implicated in the above case. He further submitted that in previous cases the petitioner was granted bail. He further submitted that the



petitioner was arrested by the respondent police on 28.06.2019 and from that day onwards, he is in custody and hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner is having previous cases and investigation is still pending and hence, he strongly opposed this petition.

5. Taking into consideration of the fact that only based on the confession given by A1, the petitioner herein has been arrayed as accused and no recovery made from the petitioner herein and also the fact that the petitioner is in custody from 28.06.2019 and also the fact that already A1 was arrested and subsequently, he was granted bail by the learned Judicial Magistrate No.I, Ramanathapuram, and also the submission made by the learned counsel for the petitioner that in previous cases the petitioner is on bail, this Court is inclined to grant bail to the petitioner by imposing conditions.

[a] the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Ramanathapuram.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

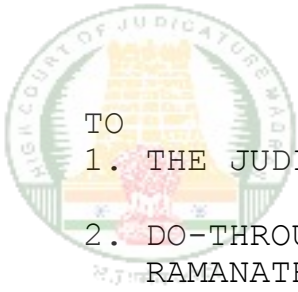
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE OFFICER INCHARGE, SUB JAIL,
RAMANATHAPURAM.

4. THE FOREST RANGER,
KEELAKKARAI FOREST RANGE, KEELAKKARAI,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.B.N.RAJA MOHAMED Advocate SR.No.11853

ORDER

IN

CRL OP (MD) No.9884 of 2019

Date :17/07/2019

MS/VR/SAR-1/17.07.2019/3P.7C