



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10445 of 2020

Jahubar Sathik

... Petitioner/ Sole Accused

Vs

The State rep. by
The Forest Ranger,
Aranthangi Forest Range,
Aranthangi,
Pudukottai District.
(In W.L.O.R.No.9 of 2019).

... Respondent/Complainant

For Petitioner : Mr.Prasanna Rajadurai
for M/S.S.Muthalraj,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

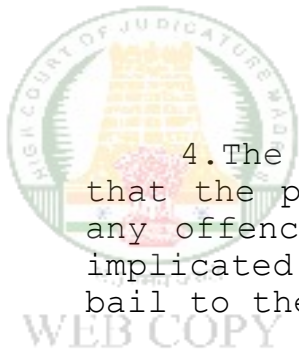
For Anticipatory Bail in W.L.O.R.No.9 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 39(i), (ii), (iii), (v) and 51 of Wildlife Protection Act, 1972, in W.L.O.R.No.9 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.This is the third application. The case of the prosecution is that the petitioner was in possession of 175 Kgs of Sea Cucumber illegally. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner is having one previous case of similar in nature.

6.Considering the facts and circumstances of the case and also considering the quantity of Sea Cucumber, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- to the credit of Mercy Home, Naserathur, Shogathur Cross Road, Dharmapuri, (Indian Overseas Bank, Dharmapuri Branch, Dharmapuri, IOB.Account No.078501000013868, IFSC Code No.IOBA0000785). On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Aranthangi, Pudukkottai District, on condition that the petitioner shall execute 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 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:

(a)the petitioner and 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 report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]; and;



(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/10/2020

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/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI,
PUDUKKOTTAI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE FOREST RANGER,
ARANTHANGI FOREST RANGE,
ARANTHANGI,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
MERCY HOME, NESERATHUR,
SHOGATHUR CROSS ROAD, DHARMAPURI.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-6897[I] dated 12/10/2020)

ORDER
IN
CRL OP(MD) No.10445 of 2020
Date :09/10/2020

VSG

<https://hcservices.ecourts.gov.in/hcservices/> 15.10.2020/ 3P/7C