



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

Date : 09/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5193 of 2021

Philips @ Kulam Mohamed ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.62 of 2021

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

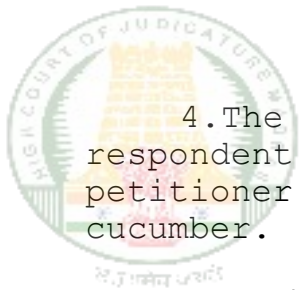
For Bail in Crime No.62 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 21.03.2021 for the offences punishable under Sections 9, 39(1), 50 and 51(1) of the Wild Life Protection Act, 1972 in Crime No.62 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.03.2021 at about 10.00 am., the respondent police had received secret information about the processing of sea cucumber and based on the same, they searched the petitioner's home. At that time, the petitioner and his wife illegally processed the sea cucumber. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A1 and the co-accused namely A2 was granted anticipatory bail by this Court on 29.03.2021 in Crl.O.P(MD) No.4780 of 2021. Hence, he prayed for grant of bail to the



4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed the bail petition on the ground that the petitioner and other accused were found in illegal possession of sea cucumber.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that anticipatory bail was granted to the co-accused by this Court on 29.03.2021 in Crl.O.P(MD) No.4780 of 2021, this Court is inclined to grant bail to the petitioner.

6.Accordingly, 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, Rameshwaram and on further condition that:

[a]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 am.,until further orders.

[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/-

09/04/2021

/ TRUE COPY /

/ /2021

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, RAMESHWARAM.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM.
 4. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.BALAJI Advocate SR.No.3072

ORDER
IN
CRL OP(MD) No.5193 of 2021
Date : 09/04/2021

GNS
TK/PN/SAR.3/09.04.2021/3P/7C