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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9759 of 2021

Mohamed Anser

... Petitioner/1st Accused

Vs

The Forest Ranger,
Forest Range, Mandapam,
Ramanathapuram District.
W.L.O.R.No.06 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Senthilkumar B,
Advocate.

For Respondent : Mr.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

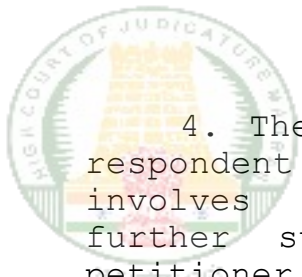
To release the Petitioner/1st Accused on bail in W.L.O.R.No.06 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 06.07.2021 for the offences punishable under Sections 9,39(1)(a)(b),39(3)(a)(b)(c), 40(2),50,51(1) of Wild Life Protection Act, 1972 in W.L.O.R.No.06 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.07.2021 at about 06.15 a.m., the coast guard found the accused in a blue colour boat with sea cucumber. It was informed to the respondent, accused was arrested and handed over to the respondent. The accused in this case was found to be in possession of 1250kgs of Sea Cucumber. Therefore the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. he would further submit that the petitioner is in judicial custody from 06.07.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the case involves illegal possession of 1250kgs of Sea Cucumber. He would further submit that no previous case pending against the petitioner.

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5. It is seen that the accused has been arrested and the Sea Cucumber has been seized. The petitioner is aged is about 19 years.

6. Taking note of the fact and circumstances of the case and also taking into consideration the age of the petitioner and the fact that there is no previous case pending against the petitioner and the fact that the petitioner is in judicial custody from 06.07.2021, this Court is inclined to grant bail to the petitioner

7. 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, Rameswaram, Ramanathapuram District 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]**.

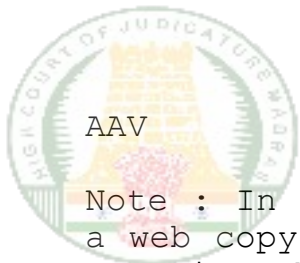
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
26/07/2021

/ TRUE COPY /

/ /2021

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



AAV

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, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, PARAMAKUDI.
4. THE FOREST RANGER,
FOREST RANGE, MANDAPAM,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S.B.SENTHILKUMAR, Advocate (SR-4832[I] dated
26/07/2021)

ORDER

IN

CRL OP(MD) No.9759 of 2021

Date : 26/07/2021

VB/JC/SAR.III/26.07.2021/3P/7C