



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

Date : 10/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17328 of 2021

V.Ramar ... Petitioner/Accused No.4
Vs

State Rep.by
The Inspector of Police,
Wild Forest in Cr.No.02/2021,
Madurai Forest Range,
Madurai District.
in WLOR No.2/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Chandrabose,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- To enlarge the petitioner on bail in WLOR No.2/2021 on the file of Respondent.

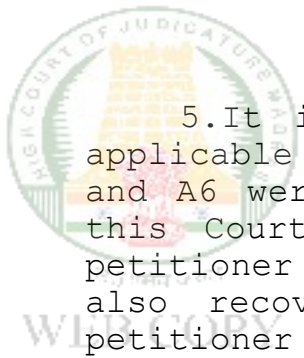
ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 13.10.2021 for the offence punishable under Sections 2 (1), (2), (5), (11), (14), (16), (18), (23), (33), (36), (37) and Sections 9, 39, 40, 42, 43, 44, 47, 48, 48(A), 49A, 49(B), 49(C), 50, 51, 52, 57, 58 r/w Section 51(1) of Wild Life Protection Act, 1972, in WLOR No.2 of 2021, on the file respondent, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused were found in possession of scheduled wild animals and they were attempting to sell the same. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent submitted the reply given by the Forest Ranger, Madurai, raising serious objections for releasing the petitioner on bail.



5.It is evident that the objections raised in the reply are applicable to all the accused. It is not in dispute that A1 to A3 and A6 were granted bail and A5 was granted anticipatory bail by this Court. Considering the above and also the facts that the petitioner is in custody from 13.10.2021 and that the property was also recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month, thereafter, as and when required.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/11/2021

/ 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, VADIPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
WILD FOREST
MADURAI FOREST RANGE,
MADURAI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17328 of 2021
Date :10/11/2021

DAS
MS/PN/SAR-2/11.11.2021/3P.6C