



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18082 of 2021

1 Mohamed Maraikkayar
2.Francis Ajith

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Forest Ranger,
Forest Range, Mandapam,
Ramanathapuram District.
in W.L.O.R.No.25 of 2021.

... Respondent/Complainant

For Petitioners: Mr.D.Balamurugapandi,
Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-To enlarge the petitioners on Bail in W.L.O.R.No.25 of 2021 on the file of respondent.

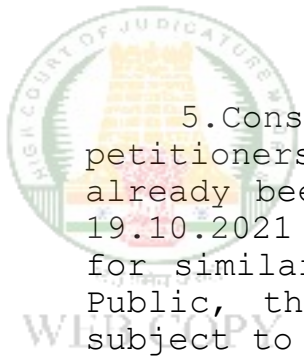
ORDER : The Court made the following order :-

The petitioners/A 1 & A2, who were arrested and remanded to judicial custody on 19.10.2021 for the offence punishable under Sections Sections 9, 50, 51(1)(1A) and 52 of Wild Life Protection Act, in WLOR No.25 of 2021, on the file respondent, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 21 Kg scheduled wild animal namely, Sea Cucumber. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are not having any previous case and the properties have already been recovered.



5.Considering the nature of the offence alleged against the petitioners and considering the facts that the properties have already been recovered, that the petitioners are in custody from 19.10.2021 and that the petitioners are not having any previous case for similar or serious offence as stated by the learned Additional Public, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the Wild Life Warden, Gulf of Mannar Marine National Park (OPP to ITI), Mandapam Road, Ramanathapuram Road - 623 503, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the District Munsif Cum Judicial Magistrate, Rameshwaram, Ramanathapuram District.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif Cum Judicial Magistrate, Rameshwaram, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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 petitioners 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 petitioners shall not tamper with evidence or witness.

iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

29/11/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
THE DISTRICT PRISON, RAMANATHAPURAM..
- 4 THE FOREST RANGER
FOREST RANGE, MANDAPAM, RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE WILD LIFE WARDEN,
GULF OF MANNAR MARINE NATIONAL PARK (OPP TO ITI),
MANDAPAM ROAD,
RAMANATHAPURAM ROAD - 623 503.

+1 CC to Mr.D.BALAMURUGAPANDI, Advocate (SR-8612[I]dated 29/11/2021)

ORDER
IN
CRL OP(MD) No.18082 of 2021
Date :29/11/2021

dss
MK/VR/SAR.II/29.11.2021/3P/8C