



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1767 of 2022

Karthik

... Petitioner

Vs.

State Rep. By
The Forest Ranger Officer,
Forest Ranger Office,
Dharmapuri District.
(WL.OR.No.08 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail for the petitioner herein in WL.OR.No.08 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.A.GokulaKrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.11.2021 for the offences under Section 9, 39(1)(A), 40(2), 44, 49, 49A, 49B, 50, 51 (1) of Wild Life Protection Act 1972 in WL.OR.No.8 of 2021, on the file of the Forest Range Officer, Dharmapuri, seeks bail.

2. The case of the prosecution is that the petitioner was involved in illegal transportation of Elephant Ivory (2 numbers). Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 60 days from 26.11.2021. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, without prejudice his defence, is



ready and willing to contribute a sum of Rs.10,000/- for the purpose of charitable purpose. He would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner was involved in illegal transportation of Elephant Ivory (2 numbers) and totally, there are 10 accused were involved in this case. He further submits that the co-accused were already enlarged on bail.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocate Clerks Association, Krishnagiri, Krishnagiri District and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Judicial Magistrate No.II, Dharmapuri within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders;

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

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;



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

WEB COPY

-sd/-
27/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE FOREST RANGER OFFICER,
FOREST RANGER OFFICE,
DHARMAPURI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, KRISHNAGIRI DISTRICT.

+1 CC to M/S M.SELVAM Advocate on payment of necessary charges
SR.NO.1277

CRL OP.1767/2022

Date :27/01/2022

JPA 28/01/2022