



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.3667 of 2022

1.Anwar Ali

2.A.Seeni Syed Ahamed

...Petitioners /  
A-2 & A-3

versus

Forest Range Officer,  
Headquarters Range (Wildlife Wing),  
Vellachery, Chennai.  
(WLOP No.2 of 2022)

... Respondent /  
Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail in WLOP No.2 of 2022 on the file of the respondent police.

For Petitioners : Mr.A.Raja Mohamed

For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 20.01.2022 for the offences punishable under Sections 39 (1) (a) (b) (c) (d), 39(3) (a) (b), 44, 48A, 48(b) (ii), 49A, 49B, 50 r/w 51 of the Wildlife Protection Act, 1972 in W.L.O.R. No.2 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that these petitioners were found in possession of two numbers of Elephant Tusks worth about Rs.15,00,000/- without any valid licence. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that during the relevant point of time, the petitioners came from Ramanathapuram and



when at the time, they met his friend, who is arrayed as A-1 in this case, was possessed with elephant tusks, in otherwise, the petitioners are no way connected for the alleged offence. It is his further submission that the petitioners are in judicial custody from 20.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, the petitioners are the first offenders and as of now, the property, which is necessary for completing the investigation, was recovered in this case by the Investigation Officer.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case as against the petitioners for the offences punishable under Sections 39(1)(a)(b)(c)(d), 39(3)(a)(b), 44, 48A, 48(b)(ii), 49A, 49B, 50 r/w 51 of the Wildlife Protection Act, 1972 and as of now, the material object, which is necessary for completing the investigation was recovered by the respondent. Hence, the custodial interrogation of the petitioners may not be necessary for completing the investigation in this case. Further, the petitioners are in judicial custody from 20.01.2022 onwards. Therefore, taking note of the above said aspects into consideration and having regard to the nature of offence committed by these petitioners and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) 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 II Metropolitan Magistrate, Egmore, Chennai;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

16/02/2022

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 METROPOLITAN MAGISTRATE,  
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL, CHENNAI.

4 FOREST RANGE OFFICER  
HEADQUARTERS RANGE (WILDLIFE WING),  
VELLACHERY, CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S. A.RAJAMOHAMED Advocate on payment of necessary charges SR.NO.2374

CRL OP.3667/2022

Date :16/02/2022

RW 16/02/2022