



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10376 of 2022

1 SENTHIL KUMAR
2 MOHAMED KASIM

[PETITIONERS / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE FOREST RANGER,
MUTHUPETTAI,
THIRUVARUR DISTRICT.
F.O.R.No.08 of 2022.

[RESPONDENT]

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : MR.S.UDHAYAKUMAR, Govt. Advocate (CrI. Side),

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

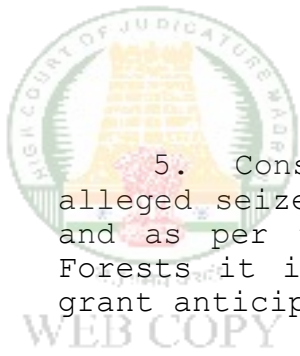
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 5, 21(d) (e) of Forest Act 1972 and under Section 3,4,6 and 55 of Bio Diversity Act, 2021 in **F.O.R.No.08 of 2022** on the file of the respondent, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally collected White Sippy Sea shell from sea and taken photos. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that the said White Sippy sea shell is not a prohibited species. Further he produced the copy of the letter issued by the Principal Conservator of Forests. Hence, he pleads for anticipatory bail.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioners have illegally collected White Sippy Sea shell from sea and taken photos.



5. Considering the facts and circumstances of the case and the alleged seized article is not prohibited under the scheduled article and as per the letter issued by the the Principal Conservator of Forests it is exportable species. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 **learned Judicial Magistrate, Thiruthuraipoondi** on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/-only (Rupees Twenty Five Thousand Only), to the satisfaction of the respondent or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) **the petitioners shall report before the Investigating Officer as and when required for interrogation;**

(d) the petitioners shall not abscond 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 has 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;

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

-sd/-

11/05/2022

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE FOREST RANGER,
MUTHUPETTAI,
THIRUVARUR DISTRICT.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO.7048

CRL OP.10376/2022

Date :11/05/2022

TA-13/05/2022