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CrI.OP.No.10111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10111 of 2023

1. Singaravelu  
2. Kesavan

... Petitioners/A1 & A2

Vs.

State Rep by  
The Forest Range Officer,  
Nagapattinam Wild Life Range,  
Nagapattinam.  
Crime No.06 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioners on bail in crime No. 06 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.H.Thameem Ansari

For Respondent : Mr.A.Damodaran,  
Additional Public Prosecutor



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**ORDER**

The petitioners, who were arrested and remanded to judicial custody on 05.04.2023 for the alleged offence under Sections 2, 9, 39(1)(a, d), 39(3), (a, b, c), 44, 49-A, 49(B), 50, 51, 52, 56, 57 punishable under Sec.51 of The Wild Life (Protection) Act, 1972 in Crime No.06 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.04.2023 around 04.00 hours, the respondent police were on regular vehicle check-up at Kiramathuveedu to Chinnathambur Thaar Road, near the Maravattru bridge, they intercepted the petitioners' vehicle and on search of the vehicle, they found the petitioners were in possession of 330 kg. of preserved sea cucumber and they seized the same. Hence, the present complaint was lodged against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that they have not committed any offence as alleged by the



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prosecution. However, on instructions he would submit that without prejudice to their rights and defence, the petitioners are ready and willing to deposit a substantial amount to any charitable institution as may be directed by this Court and hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioners stating that the petitioners were found in possession of 330 kg. of preserved Sea Cucumber.

5. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to make non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand**



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**only) each to the credit of "Gulf of Mannar, Biosphere Reserve Trust, State Bank of India, Ramnad Branch, A/c No.33658054216, IFSC Code: SBIN0000908", without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Nagapattinam**, and on further conditions that:**

[a] 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;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.1,  
Nagapattinam.
- 2.The Forest Range Officer,  
Nagapattinam Wild Life Range,  
Nagapattinam.
- 3.District Prison, Nagapattinam.
- 4.The Public Prosecutor,  
High Court of Madras,  
Chennai



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**G.K.ILANTHIRAIYAN, J.**

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