



Crl.O.P.No.12030 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 39(1)(a), 40(2), 44, 49, 49(a), 49(b), 50 and 51(i) of Wild Life Act, 1972, in W.L.O.R.No.13 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found to be in illegal possession of elephant (Tusk) ivory. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement recorded from the co-accused. He would also submit that the co-accused in this case has already been granted anticipatory bail by this Court in Crl.O.P.No.7016 of 2023 on 31.03.2023 and without prejudice, the petitioner is prepared to deposit a



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sum of Rs.25,000/- to any Welfare Scheme of the Government. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused was found to be in illegal possession of elephant (Tusk) ivory. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his contention and defence the petitioner is ready and willing to deposit an amount of Rs.25,000/- to any welfare scheme run by the Government.

6. Heard both sides and perused the materials available on record.



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7. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 his rights and contentions before the trial Court.

8. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to **the Gulf of Mannar, Biosphere Reserve Trust (State Bank of India, Ramnad Branch, A/c No.33658054216, IFSC Code: SBIN0000908)**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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10. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit by way of RTGS/NEFT to the **Gulf of Mannar, Biosphere Reserve Trust (State Bank of India, Ramnad Branch, A/c No.33658054216, IFSC Code: SBIN0000908)** and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate I, Vellore**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter every saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

09.06.2023

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