



Crl.OP.Nos.14600 & 14706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14600 & 14706 of 2023

1.G.Kumar

2.A.Tamilvanan ..Petitioners in Crl.O.P.No.14600 of 2023

1.M.Kumaran

2.K.S.Srinivasan Petitioners in Crl.O.P.No.14706 of 2023
Vs.

The State Rep by
Forest Range Officer,
Head Quarters Range (Wildlife),
Velachery, Chennai 600 032.

Crime No.W.L.O.R.21 of 2023

...Respondent in both Crl.O.P's

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioners on bail arrested for the alleged offences
in Crime No.W.L.O.R.21 of 2023 on the file of the respondent.



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For Petitioners : Mr.T.Dharani

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The petitioners in both Crl.O.Ps, were arrested on 04.06.2023 and remanded to judicial custody on 05.06.2023 for the offences punishable under Sections 39(1)(a)(b),(c),(d), 39(3)(a)(b), 44, 48A, 48(b)(ii) 49A, 49B, 50 read with Section 51 of Wild Life Protection Act, 1972 in Crime No.W.L.O.R.21 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocents and they are falsely implicated in this case. Petitioners are in Judicial Custody from 05.06.2023. He further submitted that, co-accused in this case were granted bail by the trial Court in Crl.M.P.No.15393 of 2023. Thus, he prays for grant of bail to the petitioners.



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3. In response, the learned Government Advocate (Crl. Side)

submitted that, 1st accused in this case is the room-mate of one Mahesh. After the death of Mahesh, when the 1st accused cleaned the room, he found two Ivory Tusks. Later, 1st accused with the help of other accused tried to sell the Ivory Tusks to Forest Officials, without knowing that, they are Forest Officials. He further submitted that, investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

4. It is seen from the submission of the learned counsels appearing for the parties that, it was the deceased, who procured Ivory Tusks. Further, the source of the procurement is not known to the respondent. Petitioner only tried to sell the Ivory Tusks.

5. Considered the facts and circumstances of the case and the petitioners are in Judicial Custody from 05.06.2023 and that, material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioners ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **II Metropolitan Magistrate Court, Egmore** 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 twice daily at **10.30.a.m., and 05.30.p.m., until further orders.**

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

[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 petitioner in accordance



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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.

07.07.2023

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To

1. II Metropolitan Magistrate Court, Egmore

2.Forest Range Officer,
Head Quarters Range (Wildlife),
Velachery, Chennai 600 032.

3. Puzhal Jail.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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