



Crl.O.P.No.20297 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 39(1), (3)(a)(b), 44, 48A, 48(b)(ii), 49, 50 r/w 51 of the Wild Life (Protection) Act, 1972 in W.L.O.R.No.28 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of painting brushes made from Mongoose fur for selling. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case. He would further submit that the petitioner is the owner of the shop and he had purchased those brushes allegedly made from Mongoose fur in the year 2014. Only after the registration of the FIR, the petitioner came to know of the amendment made in the Wild Life Act. He would



Crl.O.P.No.20297 of 2023

also submit that A2 was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioner was found in possession of banned painting brushes made up of Mongoose fur. He would also submit that A2 was arrested and released on bail. However, he objected for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

6. Considering the submission made by the learned counsel for the petitioner that when he purchased the products in the year 2014 and 2015 there is no ban for selling that kind of products and he is not aware of the ban and the ban was imposed only in the last year and hence, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:



CrI.O.P.No.20297 of 2023

WEB COPY

7. Accordingly, 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 XV Metropolitan Magistrate, George Town, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties 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 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 daily at 10.30 a.m for a period of six weeks and thereafter, as and when required for interrogation.



Crl.O.P.No.20297 of 2023

[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]**.

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

04.09.2023

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Crl.O.P.No.20297 of 2023

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Crl.O.P.No.20297 of 2023

04.09.2023