



WEB COPY



CrI.OP.No.22705 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.22705 of 2023

Vamanan Seshadri

...Petitioner

Vs.

The State represented by
The Forest Range Officer,
Tamil Nadu Forest Department,
G1 Vepery Police Station,
Guindy, Chennai.
WL.OR.No.29 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in connection with the case in WL.OR.No.29 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.R.John Sathyan for
Mr.G.Jaisivaramaraj
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.09.2023 for the offence punishable under Section



CrI.OP.No.22705 of 2023

39(1)(a)(b)(c)(d), 39(3)(a)(b), 44, 48A, 48(b)(ii), 49A, 49B, 50 r/w 51 Schedule I of Wild Life Protection Act, 1972, in WL.OR.No.29 of 2023 on the file of the respondent police, seeks bail.

2.The case of prosecution is that the respondent conducted a search in the shop of the petitioner in the name and style of AIM EESA MUDRA, West Mambalam, Chennai and seized 81 numbers perfume made from Punugu (Civet Cat), 3 numbers of Male organ part of Monitor Lizard and 7 mothi shells that fall under Schedule 1, Part A and C of Wild Life Protection Act.

3.It is claimed by the petitioner that the petitioner had not sold any banned articles as stated by the prosecution.

4.However, it is contended on behalf of the respondent that once the petitioner has been found in possession, Section 57 of Wild Life Protection Act 1972 raises a presumption that the person in possession shall be presumed, until the contrary is proved, that he is in unlawful possession of such banned products. The possession of the petitioner is established. The burden is now on him to establish the nature of possession and bonafide of the possession.



CrI.OP.No.22705 of 2023

WEB COPY

5. But taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 learned Metropolitan Magistrate II, 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 with law as if the conditions have been imposed and the



CrI.OP.No.22705 of 2023

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.

17.10.2023

vkx

To

- 1.The Metropolitan Magistrate No.II, Egmore.
- 2.The Central Prison, Puzhal.
- 3.The Forest Range Officer,
Tamil Nadu Forest Department,
G1 Vepery Police Station,
Guindy, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.22705 of 2023

C.V.KARTHIKEYAN.J

vkf

Crl.O.P.No.22705 of 2023

17.10.2023