



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.557 of 2023

(*)B.Immanuvel Thanaraj

... Petitioner/Accused No.A4

**(*) AMENDED as per order of
this Court dated 11/01/2023 in
CRL MP(MD)No.740/2023 in CRL OP
(MD)No.557/2023.**

Vs

The State Rep. by,
The Forest Range Officer,
Boothapandy,
Kanyakumari District.
Wlor.No.17 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthilkumar B,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To release the Petitioner on bail in W.L.O.R.No.17 of 2022 on the file of the Respondent.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 21.11.2022 for the offence punishable under Sections 39,39(3),43,48(A),49,49(B) and Schedule I of Wild Life Protection Act, 1972 in W.L.O.R. No.17 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of stamped tiger skin. Hence the case was registered.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that A1 to A3 were found in possession of stamped tiger skin and they have requested the petitioner to assist them for selling the same. The petitioner believing that A1 is the owner of the stamped tiger skin had assisted him, other than that the petitioner has not committed any offence. He would further submit that no previous case is pending against the petitioner and the petitioner is in custody from 21.11.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of a stamped tiger skin. He would further submit that though the tiger skin was stamped the petitioner do not have any license to hold the same and thereby the petitioner and other accused were arrested.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsel and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 Special Judge for Forest Offence Cases, Nagercoil and on further conditions that:

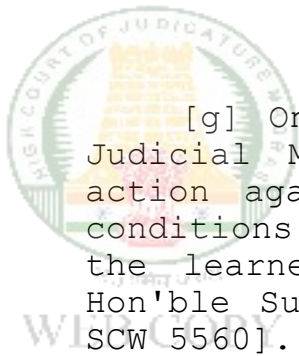
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

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

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



[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-
11/01/2023

/ TRUE COPY /

11/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. THE SPECIAL JUDGE FOR FOREST OFFENCE CASES,
NAGERCOIL.
2. THE OFFICER-INCHARGE,
SUB-JAIL, NAGERCOIL.
3. THE FOREST RANGE OFFICER,
BOOTHAPANDY, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SENTHILKUMAR B, Advocate (SR-525[I] dated 11/01/2023)

ORDER
IN
CRL OP(MD) No.557 of 2023
Date :11/01/2023

USK/VR/SAR- /11.01.2023/3P/6C