



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

Date : 23/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5433 of 2023

K Aravindh

... Petitioner/Accused Rank Not Known

Vs

The State rep. by,
The Forest Range Officer,
Kalakkadu Range,
Thirunelveli District.
(Wlor No.01/2023) .

... Respondent/Complainant

For Petitioner : M/s. M.Solaisamy,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.01/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 2, 9, 39, 50 and 51 of Wild Life (Protection) Act, 1972 in W.L.O.R.No.01 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.02.2023, when the Sub-Inspector of Police, Kalakkadu along with a police party on patrol duty, they found two persons with a Gem (Diamond) stone and testing certificate. The police suspected that the accused persons have taken the gemstone from Kalakkadu Forest Area. So, the police handed over the accused to the respondent. Thereafter, the respondent police obtained confession statement from the accused



persons, as if, they have contacted with the group of sellers, including the petitioner. Hence, the case.

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

4. It is seen that A1 and A2 were already arrested and remanded to judicial custody. Based on their confession statement, the petitioner has been implicated as an accused in this case. The petitioner is only acted as a broker and he has nothing to do with the alleged occurrence.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 Judicial Magistrate Court, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 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., and 05.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation.

[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].



CRL OP(MD).



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

sd/-
30/03/2023

/ TRUE COPY /

WEB COPY

/04/2023

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

SJI

TO

1. The Judicial Magistrate, Nanguneri.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Forest Range Officer,
Kalakkadu Range,
Thirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-4882[I] dated 27/03/2023)

ORDER

IN

CRL OP(MD) No.5433 of 2023

Date : 23/03/2023

NA/CG/SAR-3/05.04.2023/3P/6C