



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

Date : 28/04/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.8171 of 2023

M.Manikandan

... Petitioner/Accused No.3

Vs

State Through,
The Forest Officer,
Wildlife Crime Central Bureau (W.L.C.C),
Sivagangai.

W.L.O.R.No.06/2023.

... Respondent/Defacto Complainant

For Petitioner : M/s. S.Atham Ali,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in WLOR No.06/2023 on the file of the respondent.

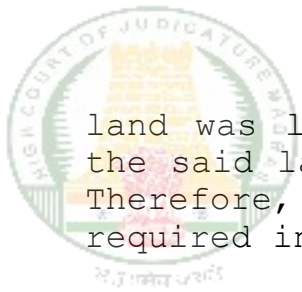
ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 9, 39(b)(d), 49(a)(b), 44(iii), 50 & 51 of Wildlife Protection Act, 1972, in W.L.O.R.No.06 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.03.2023, the forest official received secret information regarding the illegal possession and smuggling of 660 kgs of sea card. While so, the respondent roamed around the area and found that 660 kgs of sea card were hidden in the petitioner's premises by two persons. After recovery, they were arrested and the respondent registered a case. In the said case, the petitioner is arraigned as Accused No.3.

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

4. It is seen that there are totally three accused, in which the petitioner is arraigned as Accused No.2. Even according to the case of the prosecution, the petitioner is a land owner and the said



land was leased out in favour of Accused Nos.1 and 2. Thereafter, the said land was used by Accused Nos.1 and 2 for these activities. Therefore, the custodial interrogation of the petitioner is not required in this case.

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, Devakottai, on condition that the petitioner shall 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 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 two 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].

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

sd/-

28/04/2023

/ TRUE COPY /

/05/2023

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



WEB COPY

1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE FOREST OFFICER
WILDLIFE CRIME CENTRAL BUREAU (WLCC),
SIVAGANGAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.ATHAM ALI, Advocate (SR-7078[I] dated 28/04/2023)

ORDER
IN
CRL OP (MD) No.8171 of 2023
Date :28/04/2023

SS/SSS/SAR III/04/05/2023/3P/6C