



CRL OP(MD). No.17566 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17566 of 2023

1. Nagoor

2. Mohammed Nayam @ Mohammed Naiyum

... Petitioners/ Accused 2 & 3

Vs

State Rep.by

The Forest Ranger,

Ramanathapuram Forest Range,

Ramanathapuram District.

WLOR.No.27 of 2023.

... Respondent/Complainant

For Petitioners : M/s.B.Mahendrarajan, Advocate.

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner on bail in the event of arrest in respect of WLOR.No.27 of 2023 on the file of the Forest Ranger, Ramanathapuram Forest Range, Ramanathapuram District pending investigation.

ORDER : The Court made the following order :-

The petitioners/ A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 2(14), 2(16)(a)(b)(c), 9, 39(1)(a)(b)(d) 39(3)(a)(b)(c), 49-A(a)(b), 50, 57 and 51(1) of Wild Life Protection Act, 1972 in WLOR No.27 of 2023 on the file of the respondent police, seek anticipatory

bail

<https://www.mhc.tn.gov.in/judis>



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2. The case of the prosecution is that the petitioners and other accused said to have illegally transported Sea Cucumber (Kadal Attai) by using Auto, hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that based on the confession of co-accused the petitioners name have been falsely implicated in this Court and hence he seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that accused persons said to have illegally transported Sea Cucumber by using Auto and they have also involved in previous cases and the investigation of the case is pending and hence, he objected to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that based on the confession of co-accused the petitioners herein were arrayed as accused and that the co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Ramanathapruam District on condition that the petitioners shall execute a bond for a



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sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 am., until further orders;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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 petitioners 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].

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

sd/-
29/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP
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TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE FOREST RANGER, RAMANATHAPURAM FOREST RANGE,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN

CRL OP(MD) No.17566 of 2023

Date :29/09/2023

RS/DD/SAR-(04.10.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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