



CRL OP(MD). No.18593 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18593 of 2023

N.Mohamed Nalim,

... Petitioner/Sole Accused

Vs

State Rep.by

The Forest Officer,

W.L.C.C(Wildlife Crime Central Bureau),

Aranthangi,.

W.L.O.R No.05/2023..

... Respondent/Complainant

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

For Respondent : Mr.RMS.Sethuraman,

Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner/ Accused on bail in W.L.O.R No.05/2023 on the file of the Respondent Police and thus render justice.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested and remanded to judicial custody

on 14.09.2023 for the alleged offence punishable under Sections 9, 39(1), a, b, d 39(3), a
<https://www.mhc.tn.gov.in/judis>



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, b, c, 40(2), 50 and 51(1) of Wildlife Crime Central Bureau (WLCC) in WLOR.No.05 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving secret information, on 14.09.2023, the respondent police waylaid the petitioner and at that time, the petitioner herein found in possession of Sea Cord 50 Nos, which was prohibited by the Government. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is only aged about 24 years and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 14.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that on receiving secret information, the respondent police waylaid the petitioner and at that time, the petitioner herein found in possession of Sea Cord 50 Nos, which was prohibited by the Government and the same was recovered and he is not having any previous case. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the



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principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pudukkottai District and on further conditions that:

(i) the petitioner shall affix his photograph 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.

(ii) the petitioner shall appear before the trial Court once in a month i.e., on first working day of every English Calender month at 10.30 am until further orders.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) 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].

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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-
17/10/2023

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17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE FOREST OFFICER
W.L.C.C(WILDLIFE CRIME CENTRAL BUREAU),
ARANTHANGI,.
- 4 THE OFFICER INCHARGE
SUB JAIL, ARANTHANGI, PUDUKKOTTAI DISTRICT.



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

ORDER
IN
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Date :17/10/2023

PKP/17.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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