



CRL OP(MD)No.19058 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19058 of 2023

Mohammed Maidheen

... Petitioner / Accused No.1

Vs

The State through rep by
The Forest Ranger,
Keelakarai Forest Range,
Ramanathapuram District.
(WLOR.No.13 of 2023)

... Respondent / Complainant

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/S.Ajmal Associates, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in WLOR.No.13 of 2023 on the file of the Respondent Police.



CRL OP(MD)No.19058 of 2023

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 29.10.2023 for the alleged offence punishable under Sections 2, 9, 39(1)(a)(b)(d), 39(3)(a)(b)(c), 49-A(a)(b), 50 & 51 of the Wild Life Protection Act, 1972 in WLOR.No.13 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, on 02.08.2023, the respondent police conducted raid and they found 6000 kgs processed sea cucumber and 90 kgs boiled sea cucumber worth about Rs.3 Crores in A2's coconut grove at Natham village. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that there was no recovery made from the petitioner and he is in custody from 29.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner along with other accused were found in illegal possession of sea cucumber. That apart, the petitioner is having nine previous cases and hence, he opposed to grant bail to the petitioner.

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



CRL OP(MD)No.19058 of 2023

WEB COPY

6. Considering the facts and circumstances and also taking into consideration the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 Judicial Magistrate No.I, Ramanathapuram and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the respondent police daily at 10.30 am., until further orders.

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

(v) the petitioner shall not abscond during trial.

vi) 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



CRL OP(MD)No.19058 of 2023

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

WEB COPY

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/10/2023

/ TRUE COPY /

20/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

- 1.The Judicial Magistrate No.I,
Ramanathapuram.
- 2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Forest Ranger,
Keelakarai Forest Range,
Ramanathapuram District.
- 4.The Officer Incharge,
District Jail,
Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD)No.19058 of 2023

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-15539[I] dated
20/10/2023)

ORDER
IN

CRL OP(MD) No.19058 of 2023
Date :20/10/2023

ED/ /SAR- (20/10/2023) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023