



CRL OP(MD). No.20775 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20775 of 2023

Jayan

... Petitioner/ Accused No.3

Vs

State Rep.by

The Forest Ranger Officer,

Kaliyal Forest Range,

Nagercoil, Kanyakumari District.

W.L.O.R.No.4 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.B.Jameel Arasu, Advocate.

For Respondent : Mr.R.M.S.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner on bail in W.L.O.R.No.4 of 2023 pending investigation on the file of the Respondent Forest Office.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 29.09.2023 for the alleged offences punishable under Sections 2(32),39(1)(a),39(1)(b),39(1)(d),40(1), 40(2),40(2-A),40(2-B),49(A), 49(B),50, 51(1) of Wild life Protection Act, 1972 in W.L.O.R.No.4 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.09.2023 the accused were found in illegal possession of 34 kgs of Government banned ambergris. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the



CRL OP(MD). No.20775 of 2023

petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 29.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused were found in illegal possession of 34 kgs of Government banned ambergris, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner and the entire 34 kgs of Government banned ambergris was also seized.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also taking note of the fact that no previous case is pending against the petitioner and the entire 34 kgs of Government banned ambergris seized and also 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 Special Judge for Forest offence cases, Nagercoil, Kanyakumari District and on further conditions that:



CRL OP(MD). No.20775 of 2023

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(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 trial Court on the first working day of every English Calendar month 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 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].

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

sd/-
21/11/2023

/ TRUE COPY /

21/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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



CRL OP(MD). No.20775 of 2023

TO

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1 THE SPECIAL JUDGE FOR FOREST OFFENCE CASES, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT PRISON, NAGERCOIL,
KANYAKUMARI DISTRICT.

3 THE FOREST RANGER OFFICER, KALIYAL FOREST RANGE,
NAGERCOIL, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-16596[I] dated 21/11/2023)

ORDER

IN

CRL OP(MD) No.20775 of 2023

Date :21/11/2023

RS//SAR-(21.11.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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