



CRL OP(MD)No.21601 of 2023

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

Date : 20.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Vinithkumar

... Petitioner / Accused

Vs

The Forest Range Officer,
Rajapalayam Forest Range,
Virudhunagar District.
(WLOR.No.7 of 2023)

... Respondent / Complainant

For Petitioner : Mr.S.Kasirajan, 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.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 05.11.2023 for the alleged offence punishable under Sections 2(2), 9, 39, 40, 42, 43, 48, 49, 49(A),



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49(B), 49(C), 51(1-C) & 51(1-D) of the Wild Life (Protection) Act 1972 in WLOR No.7 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 05.11.2023, the petitioner and other accused were found in illegal possession of elephant ivory at Mahamalai Tiger sanctuary. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is only transporting the ivory obtained from one Muthu and A8 to A10 were arrested and released on bail by the Court below and the petitioner is in custody from 05.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner and other accused were found in illegal possession of elephant ivory and hence, he strongly objected to grant bail to the petitioner.

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

6.On perusal of records, it is noticed that one Vinith is having knowledge about the ivory through one Ganesh and thereafter, they went to Muthu's thoppu and obtained ivory and transported through Murugan and Karthikeyan. At that



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time, they were intercepted by the Customs Department and thereafter, the Forest Department took the custody of the accused and seized the properties.

7.Considering the above facts and circumstances and considering the period of incarceration 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 Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur 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 trial Court on every Monday 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.



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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/-
20/12/2023

/ TRUE COPY /

20/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.

2.The Forest Range Officer,
Rajapalayam Forest Range,
Virudhunagar District.

3.The Officer Incharge,
District Prison,
Aruppukottai, Virudhunagar District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.VIJAYENDIRAN, Advocate (SR-18118[I] dated 20/12/2023)

ORDER
IN
CRL OP(MD) No.21601 of 2023
Date :20/12/2023

ED/ /SAR- (15/12/2023) 5P / 6C

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