



CRL OP(MD)No.22106 of 2023

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

Date : 13.12.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.22106 of 2023

Arunasalam

... Petitioner/ Accused No.1

Vs

The Forest Range Officer,
Boothapandy Forest Range,
Nagercoil.
(WLOR.No.18 of 2023)

... Respondent/Complainant

For Petitioner : Mr.R.Anand, 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.18 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 15.11.2023 for the alleged offence 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 and 51(1) of the Wild Life (Protection)



CRL OP(MD)No.22106 of 2023

Act 1972 in WLOR.No.18 of 2023, on the file of the respondent police, seeks bail.

WEB COPY

2.The case of the prosecution is that on 15.11.2023, when the police party conducted vehicle check up, they intercepted a car and searched the same, in which, it was found that the accused persons illegally carrying ambergris weighing 10.200 kgs. 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 the petitioner is in custody from 15.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the seized article is yet to send to the chemical analysis.

5.On perusal of records, it is noticed that the petitioner herein was arrested on 15.11.2023 and the article was also seized on the very same day. However, the respondent police has not taken any steps to send the sample for chemical analysis.

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:



CRL OP(MD)No.22106 of 2023

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Special Judge for Forest Offences Cases, Nagercoil and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons;

(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/-

13/12/2023

/ TRUE COPY /

13/12/2023

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

GNS



CRL OP(MD)No.22106 of 2023

TO செய்து அளித்தல்

WEB COPY

- 1 THE SPECIAL JUDGE FOR FOREST
OFFENCES CASES, NAGERCOIL.
- 2 THE FOREST RANGE OFFICER
BOOTHAPANDY FOREST RANGE,
NAGERCOIL.
- 3 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ANAND, Advocate (SR-17722[I] dated 13/12/2023)

ORDER
IN

CRL OP(MD) No.22106 of 2023
Date :13/12/2023

SS/SAR- /13/12/2023/4P/6C

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