



CRL OP(MD)No.22327 of 2023

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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.22327 of 2023

1.P.Velayutham

2.G.Sundar

3.Narayanan

... Petitioners/ A2 to A4

Vs

The State rep.by
The Forest Range Officer,
Boothapandy Forest Range,
Nagercoil District.
(WLOR.No.18 of 2023)

... Respondent/Complainant

For Petitioners : Mr.P.RAJESH, 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 petitioners, who were arrested and remanded to judicial custody on 16.11.2023 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

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(Protection) Act 1972 in WLOR.No.18 of 2023, on the file of the respondent police,
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seek bail.

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 16.11.2023, 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 16.11.2023 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 nature of allegations made against the petitioners and also 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 and the nature of the offence alleged by the



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petitioners, this Court is inclined to grant bail to the petitioners.

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7. Accordingly, the petitioners are 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:

(ii) the petitioners shall appear before the trial Court on receipt of summons

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-

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13/12/2023

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



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GNS

TO

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1 THE SPECIAL JUDGE FOR
FOREST OFFENCE CASES, NAGERCOIL.

2 THE OFFICER INCHARGE,
SUB-JAIL, NAGERCOIL DISTRICT.

3 THE FOREST RANGE OFFICER,
BOOTHAPANDY FOREST RANGE, NAGERCOIL DISTRICT.

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

+1 CC to M/s.P.RAJESH, Advocate (SR-17716[I] dated 13/12/2023)

ORDER IN

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Date :13/12/2023

SA/SAR. /13.12.2023/4P/6C

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