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Crl.O.P.No.28446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28446 of 2024

Goutham

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Forest Range Officer, Headquarter,
Wild Life, Chennai District.

(WLOR No.10 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in WLOR No.10 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Karthick

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.10.2024, seeking bail in WLOR No.10 of 2024 registered for the offence under Sections



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39(1)(a)(b)(d), 39(3)(a)(b), 44, 48-A, 49, 49-A, 49-B, 50 r/w 51 of Wildlife
Animal Protection Act, 1972.

2. The case of the prosecution is that the petitioner had illegally sold Indian Star Tortoises. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him. He further submitted that the petitioner is running an aquarium and without knowing that the tortoises are scheduled species, sold to others. He further submitted that there is no previous case against the petitioner and he has been in custody from 22.10.2024. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner, in the guise of running an aquarium, had illegally sold Indian Star Tortoises. He further submitted that there is no previous case against the petitioner.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter affidavit filed by the respondent.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and that no previous case is pending against the petitioner and the period of incarceration undergone by him, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **II Metropolitan Magistrate, Egmore, Chennai District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

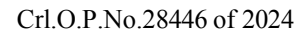
[d] the petitioner shall not tamper with evidence or witness during trial;

[e] 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]*;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

14.11.2024

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1. The II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
Forest Range Officer, Headquarter,
Wild Life, Chennai District.
3. Central Jail, Puzhal – II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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