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Crl.O.P.No.27990 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.27990 of 2023

Murugesan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Forest Range Officer,
Naagapoodi Division,
Pallipet Range, Tiruvallur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in STOR No.2 of 2023 on the file of
the respondent.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.11.2023, for the offences registered under Section 5 of Tamil Nadu
Forest Act, 1882, Sections 35, 35B Act 6 Section 40G and Sections 44 and
49 of the Wild Life Protection Act 1972, Section 49B of Act VA and Section



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51 of Act VB, in STOR No.2 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 3 pieces of red wood, 6 numbers of red wood stems, 12 small pieces of sandal wood and 2 number of deer horns, worth about Rs.2,00,000/-.

3.The learned counsel for the petitioner stated that the petitioner is a Siddha Doctor and he has been falsely implicated in this case.

4.It is stated by the learned Government Advocate that there is no previous case against the petitioner.

5.Taking all these factors into consideration and also considering the period of incarceration and the investigation has been practically completed, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 District Munsif cum Judicial Magistrate, Pallipattu, and on further conditions that:-



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[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.

[b]the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 229A IPC.

03.01.2024

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To

1.The District Munsif cum Judicial Magistrate, Pallipattu.

2.The Inspector of Police,
Forest Range Officer, Naagapoodi Division,
Pallipet Range, Tiruvallur District.



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3.The Sub Jail, Tiruttani.

4. The Public Prosecutor, High Court of Madras.

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