



Crl.O.P.No. 30999 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 30999 of 2024

Sarankumar

... Petitioner-A10

Versus

The Forest Range Officer
Vellore Forest Range,
Vellore District
[WLOR No. 05 of 2024]

...Respondent

Prayer : Criminal Original Petition filed Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in WLOR.No. 05 of 2024 on the file of respondent police.

For Petitioner : M.R.Thangavel

For Respondent : Mr.S.Santhosh
Government Advocate
(Criminal Side)



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ORDER

The petitioner/A10, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 2, 9, 39, 44, 49(A), 50 and 51 of Wild Life Protection (Amended) Act, 2022, in WLOR.No.05 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1 to A9 were found in possession of ivory and teeth of Elephant. Based on the confession of A2, ivory was given by Mahout to the petitioner. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case based on the confession of the arrested accused. He would further submit that no previous case against him. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioners 1 to 9 were found in possession of ivory and teeth of Elephant worth about Rs.5,00,000/-. He would further submit that the petitioner has no previous case pending against him. He would further submit that the other accused persons arrested and remanded into judicial custody. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate–I, Vellore**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only), with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner and 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m until further orders;

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

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.

MSM

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