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Crl.O.P.Nos.31018 & 31094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.O.P.Nos.31018 & 31094 of 2024

Seeni Ibrahim Shah

... Petitioner

in Crl.OP.No.31018 of 2024

Samsudeen Rafeek

... Petitioner

in Crl.OP.No.31094 of 2024

Vs.

State represented by

The Inspector of Police,

Forest Range Officer,

Head Quarters (Wild Life)

Velachery. (WLOR No.13/2024)

... Respondent in Crl.OP.No.31018 of 2024

The Forest Range Officer

Head Quarters Range (Wildlife)

Velachery, Chennai 600 032

(W.L.O.R.No.13/2024)

... Respondent in Crl.OP.No.31094 of 2024

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail relating to WLOR.No.13 of 2024 on the file of the Respondent department.

For Petitioner : Mr.M.Vinoth
in Crl.OP.No.31018 of 2024
Mr.B.Shruthan
in Crl.OP.No.31094 of 2024

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



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COMMON ORDER

Petitions seeking bail in respect of WLOR.No.13 of 2024 registered for the offences punishable under Sections 2, 9, 39(1)(a)(b)(c)(d), 39(3)(a)(b), 44, 48A, 48(b)(ii), 49A, 49B, 50 r/w.51 Schedule I Part E of Wild Life Protection Act 1972, are on board for consideration.

2.The incarceration of the petitioners being from 23.11.2024 pleading innocence on the part of the petitioners/A1 & A2 and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners failed to understand that they were in possession of contraband, which is a scheduled substance. He also submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of **Rs.25,000/- each** to any welfare scheme of the Government or any other organization. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that based on a tip-off, the DRI conducted a search in the premises of the accused, where the accused were found to be in illegal possession of 24 kgs of



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dried sea horse and 95.50 kgs of shark fins and they attempted to sell these items through a third party, using clandestine methods to avoid declaration. He further submits that there are no previous cases against the petitioners.

4.Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of the "**Gulf of Mannar, Biosphere Reserve Trust [State Bank of India, Ramnad Branch, A/c No.33658054216, IFSC Code: SBIN0000908]**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the counter affidavit filed by the respondent and considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate, Thiruvottiyur 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 petitioners shall report before the respondent Police, everyday 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 petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 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]***;

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

16.12.2024

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To

1.The Judicial Magistrate,
Thiruvottiyur

2.The Forest Range Officer
Head Quarters Range (Wildlife)
Velachery, Chennai 600 032

3.The Superintendent,
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.
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