



CRL OP(MD) No.449 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.449 of 2024

M.MOHAMED SATHAM USAIN

... PETITIONER/SOLE ACCUSED

Vs

THE FOREST OFFICER
W.L.C.C (WILDLIFE CRIME CENTRAL BUREAU),
RAMANATHAPURAM,
W.L.O.R NO.38/2023.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.ATHAMALI S. Advocate

For Respondent : MR.SS.MADHAVAN Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

Prayer:

To enlarge the Petitioner / Sole Accused on bail in the event of his arrest by the respondent official in W.L.O.R.No.38/2023 or on his appearance before the Court.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused , who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 2(14), 2(16) (a) (b) (c), 9,

<https://www.mhc.tn.gov.in/judis>



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39(1)(a), 39(1)(b)(d), 39(3)(a)(b)(c), 51 and 51(1) of Wild Life Protection Act, 1972, in
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WLOR.No.38 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 12.11.2023, at about 11.00 a.m, the respondent police went to the Muthuregunathapuram Seashore and made inspection in a parked fibre boat and found that the petitioner had illegal possession of hoarded Sea Cucumber. Hence, the Law Enforcing Authority, registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that this is the second anticipatory bail petition. Earlier petition filed by the petitioner in Crl.OP(MD)No.21397 of 2023 was dismissed by this Court on 08.12.2023. However, he is ready to abide any condition that may be imposed by this Court and also ready to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, to show his bona-fide. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner is the owner of the boat and if he released on anticipatory bail, he will indulge in similar type of offence. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, without prejudice to his rights and contentions to show his bona-fide, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and 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 Court-I, Ramanathapuram, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on



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further condition that:

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(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) by way of Demand Draft in favour of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, for welfare of the animals.

(c) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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



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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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
10/01/2024

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/01/2024

Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1.THE JUDICIAL MAGISTRATE COURT-I, RAMANATHAPURAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3.THE FOREST OFFICER
W.L.C.C (WILDLIFE CRIME CENTRAL BUREAU),
RAMANATHAPURAM,

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

COPY TO
THE OFFICER IN CHARGE,
ARIGNAR ANNA ZOOLOGICAL PARK,
GRAND SOUTHERN TRUNK ROAD, VANDALUR,
CHENNAI-600 048,



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ORDER
IN
CRL OP(MD) No.449 of 2024
Date :10/01/2024

RK/VR (18/01/2024) 6P /6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023