



CRL OP(MD). No.1910 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1910 of 2024

Naina Mohamed

... Petitioner/ Accused

Vs

The Forest Officer,
Aranthangi Forest Office,
W.L.O.R No. 01 of 2024.

... Respondent/Complainant

For Petitioner : Mr.A.Aruljenifer, Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the petitioner on bail in W.L.O.R No.01 of 2024 pending on the file of the respondent and pass such other orders.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 04.01.2024 for the alleged offence punishable under Sections 9 of TN. WLP Act, 39 (1)a, b, c, d, 39(3)a, b, c, 40(2), 50, 51(1) of Wildlife Protection Act, in W.L.O.R.No.01 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the petitioner was found in illegal possession of 92 numbers of sea cucumber. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 04.01.2024. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, and hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant bail stating that the petitioner was found in illegal possession of 92 numbers of sea cucumber.

5.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate Court, Aranthangi, 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) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "The Director, Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048," for welfare of the animals, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(c) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(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 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]; and;



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

sd/-
08/02/2024

/ TRUE COPY /

08/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE, ARANTHANGI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, ARANTHANGI.

4 THE FOREST OFFICER, ARANTHANGI FOREST OFFICE, ARANTHANGI.

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

COPY TO

THE DIRECTOR, ARIGNAR ANNA ZOOLOGICAL PARK,
GRAND SOUTHERN TRUNK ROAD, VANDALUR, CHENNAI - 600 048.

+1. CC to M/s.A.ARUL JENIFER. Advocate SR.No.1672(I) DT; 09/02/2024

ORDER IN
CRL OP(MD) No.1910 of 2024
Date :08/02/2024

RS/ /SAR-(05.02.2024) 4P 8C

Madurai Bench of Madras High Court is issuing
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