



CRL OP(MD) No.2405 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2405 of 2024

NAINA MOHAMED @ NAINAMOSHA

... PETITIONER /
ACCUSED RANK NO.2

Vs

THE FOREST RANGER
KEELAKARAI FOREST RANGE,
RAMANTHAPURAM DISTRICT
CRIME NO. 13 OF 2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. PRABHA.S Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

Prayer in CRL OP(MD). 2405/ 2024 :

To enlarge the petitioners on bail in the event of his arrest or surrender in WLOR No. 13 of 2023 dt. 26.09.2023 on the file of the respondent police station.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 2, 9, 39(1)(a)(b), 39, 3(a)(b)(c), 49-A(a)(b),



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50 and 51(1) of Wild Life Protection Act, 1972, in WLOR.No.13 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner along with another accused illegally hoarded the 90 kg of boiled sea cucumber worth about Rs.3 Crores in order to smuggle the same to China. Thereby, the Law Enforcing Authority, registered a case against the petitioner and another accused.

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 fifth anticipatory bail petition. He further submitted that all the allegations are made against only A1 and he is having 9 previous cases. But, no previous case is pending against the petitioner. Further, the boiled Sea Cucumbers were recovered from only A1. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that A1 is the son-in-law of the petitioner. With the aid of this petitioner, A1 used to smuggle the Sea Cucumbers to China. The Sea Cucumber is the valuable



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species of the Indian Coastal Region. The value of the hoarded Sea Cucumbers is more than Rs.3 Crores. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner 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 No.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 further condition that:

(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;



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(b)the petitioner shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Arignar Anna Memorial Cancer Research Institute, Kanchipuram, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

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

7. In the result, this Criminal Original Petition is ordered and the Director, Arignar Anna Memorial Cancer Research Institute, Kanchipuram, shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the said Institute as and when such works are completed by utilising the money as ordered by this Court.

sd/-
15/02/2024

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/02/2024
Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1.THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3.THE FOREST RANGER
KEELAKARAI FOREST RANGE, RAMANTHAPURAM DISTRICT

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



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COPY TO
THE DIRECTOR,
ARIGNAR ANNA MEMORIAL CANCER RESEARCH INSTITUTE,
KANCHIPURAM,

+1 CC to M/s.S.PRABHA, Advocate (SR-1910[I] dated 15/02/2024)

ORDER

IN

CRL OP(MD) No.2405 of 2024

Date :15/02/2024

RK/GS (22/02/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023