



CRL OP(MD) No.3240 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3240 of 2024

MAHESH @ MAHESWARAN

... Petitioner / Accused No.2

Vs

THE FOREST RANGER  
ARANTHANGI FOREST RANGE,  
PUDUKKOTTAI DISTRICT.  
(IN WLOR NO.7/2024)

... Respondent / Complainant

For Petitioner : M/s.K.R.Bharathi Kannan, Advocate

For Respondent : Mr.S.Manikandan,  
Government Advocate ( Crl. Side)

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

PRAYER : TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF THEIR  
ARREST BY THE RESPONDENT POLICE IN WLOR.NO.7/2024 DT. 28.12.2023 ON  
THE FILE OF RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police  
for the alleged offence under Sections 9, 39(1), a, b, d, 39(3), a, b, c, 40(2), 50 and 51(1)



**CRL OP(MD) No.3240 of 2024**

of Wild Life (Protection) Act, 1972, in W.L.O.R.No.7 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that on 28.12.2023, the petitioner and the other accused person were found in illegal possession of sea cucumbers. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.10,000/- to the Arignar Anna Zoological Park, Vandalur, Chennai-600 048, and hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the investigation is yet to be completed and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Aranthangi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



**CRL OP(MD) No.3240 of 2024**

Ten Thousand Only), with one surety 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;

(b)as per the undertaking given by the petitioner, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to Arignar Anna Zoological Park, Vandalur, Chennai-600 048, for the welfare of the animals in Arignar Anna Zoological Park, without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/receipt, 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., for a period of two weeks and thereafter, as and when required for interrogation;



CRL OP(MD) No.3240 of 2024

WEB COPY

(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;

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

sd/-  
29/02/2024

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/03/2024  
Sub-Assistant Registrar  
(C.S. I / II / III /IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SSB



CRL OP(MD) No.3240 of 2024

To

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1.The Judicial Magistrate,  
Aranthangi.

2.Do through the Chief Judicial Magistrate,  
Pudukottai District.

3.The Forest Ranger,  
Aranthangi Forest Range,  
Pudukkottai District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer Incharge,  
Arignar Anna Zoological Part,  
Vandalur, Chennai-600 048.

+1 CC to M/s.K.R.BHARATHI KANNAN, Advocate ( SR-2576[I] dated  
01/03/2024 )

ORDER

IN

CRL OP(MD) No.3240 of 2024

Date :29/02/2024

ED/VR /SAR- (05/03/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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