



CRL OP(MD). No.4300 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1.Arunachala Moorthy

2.Muthupandian

3.Lingasami

4.Vincent

... Petitioners/ Accused Nos.1 to 4

Vs

The State Represented by
The Forest Ranger,
Tirunelveli Forest Range,
Tirunelveli.

W.L.O.R.No.03 of 2024

... Respondent/Complainant

For petitioners : Mr.P.Suresh
Advocate.

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



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

PRAYER :-

To release the petitioners/accused on bail in W.L.O.R.No.3 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 28.02.2024 for the offences under Sections 2, 2(14), 2(16), 9, 39 1(d), 42, 44, 49(A), 49(B), 50, 51(1) and 57 of the Wild Life (Protection) Act, 1972, in W.L.O.R.No.3 of 2024, on the file of the respondent, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of one Red Sand Boa. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners did not commit any allegation as alleged by the prosecution and the petitioners are in judicial custody from 28.02.2024. However, the petitioners are ready to deposit a sum of Rs.25,000/- jointly through Demand Draft to the District



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Forest Officer and Wildlife Warden, Tirunelveli Division, for the purpose of providing water in summer time to the deer, without prejudice to their defence before the trial Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, and on further conditions that:

(a)as per the undertaking given by the petitioners, the petitioners shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) jointly through demand draft to the District Forest Officer and Wildlife Warden, Tirunelveli Division, for the purpose of providing water in summer time to the deer,



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without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(b) 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;

(c) the petitioners are directed to appear before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners 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



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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/-
19/03/2024

/ TRUE COPY /

19/03/2024
Sub-Assistant Registrar (PA-I / AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

To

1. THE JUDICIAL MAGISTRATE, RADHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4.THE FOREST RANGER,
TIRUNELVELI FOREST RANGE,
TIRUNELVELI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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THE DISTRICT FOREST OFFICER AND WILDLIFE WARDEN,
TIRUNELVELI DIVISION,

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-3376[I] dated 19/03/2024)

ORDER
IN
CRL OP(MD) No.4300 of 2024
Date :19/03/2024

RK (19/03/2024) 6P / 8C

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