



CRL OP(MD). No.6214 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Rajaram,

... Petitioner/ Accused 1

Vs

SHO Forest Department,
Boothapandi Forest Ranger, Aralvaimozhi,
Kanyakumari District.
WLOR No.2/2024.

... Respondent/ Complainant

For Petitioner : Mr.Niranjan S. Kumar,
Advocate.

For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

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

PRAYER :- To grant Anticipatory Bail to the petitioner herein/ Accused No.1 in the event of his arrest or surrender in WLOR No.2/2024 on the file of 6th Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent in connection with the case in W.L.O.R.No.2 of 2024 for the offence under Sections 2(2), 2(11), 2(18),



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2(23), 2(31), 2(33), 39, 44, 50 and 51 of Wildlife (Protection) Act, 1972, has filed this petition, seeking anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused were in possession of elephant ivory tusks and attempted to sell the same.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that it is A7, who has arranged the tusks and attempted to sell the same through A3 to A5. The Tusks were recovered only from A3. Now, the prosecution is projecting that the tusks were handed over to A5 by the petitioner herein. Therefore, he prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submits that there are seven accused in this case and the petitioner is arrayed as A1. This Court has granted interim anticipatory bail to the petitioner with a direction to him to co-operate for enquiry. However, he has not co-operated properly. The investigation is yet to be completed.

5. He further submitted that the petitioner was in frequent contact with A3 at the relevant point of time and they were present in the place of occurrence, however, the petitioner escaped from the scene of occurrence. He further submits that co-accused in this case was already granted anticipatory bail by the trial Court and



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the petitioner is not having any previous case.

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6. Considering the facts and circumstances of the case, nature of offence and considering the fact that the petitioner is not having any previous case, and that the co-accused were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and 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 concerned learned Special Judge, on condition that

(i) the petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each, for a like sum to the satisfaction of the learned Special Court for Forest Offences Cases, Nagercoil, Kanyakumari;

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police daily at 10.30 am until further orders. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.



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(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1 THE SPECIAL JUDGE FOR
FOREST OFFENCES CASES,
NAGERCOIL, KANYAKUMARI.

2 SHO FOREST DEPARTMENT,
BOOTHAPANDI FOREST RANGER, ARALVAIMOZHI,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-6900[I] dated 25/06/2024)



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ORDER

IN

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Date :24/06/2024

SA/GS/SAR. /01.07.2024/5P/5C

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