



CRL OP(MD) No.21956 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT
The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21956 of 2023

K.NAGANATHAN

... PETITIONER/ SOLE ACCUSED

Vs

THE FOREST OFFICER
W.L.C.C(WILDLIFE CRIME CENTRAL BUREAU)
RAMANATHAPURAM.
W.L.O.R.NO.34/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.ATHAMALI S. Advocate

For Respondent : MR.B.NAMBISELVAN
Additional Public Prosecutor

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

Prayer:

To enlarge the petitioner/sole Accused on bail in the event of his arrest by the responnent official in W.L.O.R.No.34/2023 or on his appearance before the Court.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections Schedule 1 Section 2(14),

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2(16)(a), 2(16)(b), 2(16)(c), Schedule III Section 9, Schedule V Sections 39(1)(a), 39(1)(b), 39(1)(d), 39(3)(a), 39(3)(b), 39(3)(c), Schedule VI Sections 50 and 57 in W.L.O.R.No.34 of 2023 on the file of the Wildlife Crime Central Bureau (W.L.C.C.), Ramanathapuram, seeks anticipatory bail.

2.The case of the prosecution is that on 05.10.2023, at about 07.00 p.m., on receiving secret information, the respondent officials waylaid the petitioner's vehicle and at that time, the petitioner herein was found in possession of Sea Cord Nos.15 and Sea Horse Nos.79, which was prohibited by the Government. Hence, the Law Enforcing Authority, registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that this is the second application for anticipatory bail and the earlier application was dismissed by this Court in CrI.O.P.(MD)No.18803 of 2023, on 03.11.2023 petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, he is ready to abide any condition that may be imposed by this Court and also ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, to show his bona-fide. Hence, he prays for



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grant of anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the State submitted that the respondent officials intercepted the petitioner and recovered 15 numbers of Sea Cord and 79 numbers of Sea Horse, which was prohibited by the Government and the petitioner is having one previous case of similar in nature. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, without prejudice to his rights and contentions to show his bona-fide, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 Court, Thiruvadanai, on condition that the petitioner shall execute a bond



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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;

(b) The petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand) by way of Demand Draft/RTGS/NEFT 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 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 his 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 his identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m.

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until further orders;

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(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/-
05/01/2024

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/01/2024

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

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To

1. THE JUDICIAL MAGISTRATE , THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.



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3. THE FOREST OFFICER,
W.L.C.C (WILDLIFE CRIME CENTRAL BUREAU),
RAMANATHAPURAM.

4. 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

ORDER
IN
CRL OP(MD) No.21956 of 2023
Date :05/01/2024

RK/VR (09/01/2024) 6P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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