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Crl.O.P.No.2832 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2832 of 2025

1. Hariboopathy
2. Paranthaman

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
FRO, Hosur,
Krishnagiri District.
(W.L.O.R.No.14 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the W.L.O.R.No No.14 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 21.12.2024, seeking bail in W.L.O.R.No.14 of 2024 registered for the offence under Sections 9, 39, 40, 42, 43, 48, 49, 49(A)(B)(C) and Section 44 read with Section 2(2), (11), (16), (31) and Section (36) and Section 51(1) of Wild Life Protection Act, 1972.



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2. The case of the prosecution is that on 21.12.2024 at about 11.00 hrs, the petitioners were found in illegal possession of two tusks in their two wheeler. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and there are no previous cases against them. He further submitted that, in any case, the petitioners are in custody from 21.12.2024 and that since further custody is not required for the purpose of investigation, they may be released on bail.

4. Learned Government Advocate (Crl.Side), per contra submitted that the petitioners were found in illegal possession of two elephant tusks and since other accused are yet to be apprehended, he opposed for grant of bail.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Considering, the period of incarceration; no previous cases against the petitioners and that since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Hosur** and on further conditions that:

[a] 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;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] 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 petitioners 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

05.02.2025

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To

1. Judicial Magistrate No.II, Hosur
2. The Inspector of Police,
FRO, Hosur,
Krishnagiri District.
3. The Superintendent,
Sub Jail, Hosur.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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