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CRL O.P. No.4046 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.4046 of 2025

Jagan Sundar Jemes

.... Petitioners / Accused

Vs

State rep. by:-

The Inspector Of Police,
Tiruvallur Forest Wing,
Tiruvallur. ... Respondent
[WLOR No.2 of 2024]

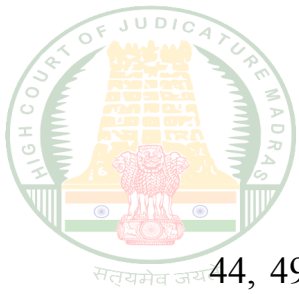
PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner/ Accused in W.L. O.R. No.2 of 2024 on the file of the respondent police.

For Petitioner : Mr. Kartik Soundararajan

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 9, 39(b),



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44, 49-B and 51 of the Wild Animals Act 1972 in connection with the case in W.L. O.R. No.2 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused were travelling in a car; that when the car was intercepted by the respondent, the petitioner and the other accused ran away; and that A2 was arrested as he was found in possession of elephant tusk weighing about 3.5 kgs.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that the petitioner's vehicle was used by his friend; that he has not involved in the alleged offence; that considering the fact that since the co-accused were arrested and released on bail and contraband was seized and that in any case, custodial interrogation is not required, the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) reiterated the prosecution case and on instructions, would submit that co-accused



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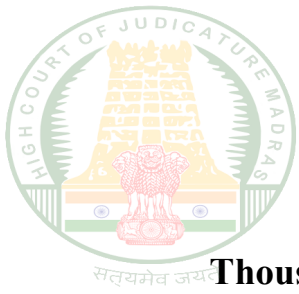
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were arrested and there is no previous case pending against the petitioner.

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

6. Considering the nature of allegations, the fact that the contraband has been seized, there is no previous case pending against the petitioner and since custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. 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 No.I, Tiruvallur** on condition that the petitioners shall each execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten**



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

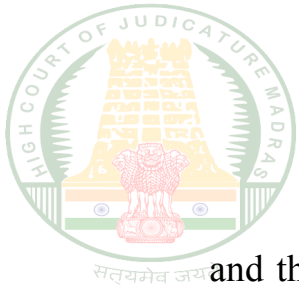
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

d] the petitioner shall not abscond either during investigation or trial.

[e] 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



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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].

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

19.02.2025

mjs

To

1. The Judicial Magistrate No.I, Tiruvallur.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Tiruvallur Forest Wing, Tiruvallur.

SUNDER MOHAN. J.,

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