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CRL OP NO. 5571 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5571 of 2025

Arul Prakash

petitioner /A4

Vs

The State Rep By
The Inspector of Police
Thiruvallur Forest Wing,
Thiruvallur
(WLOR No.2 of 2024)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner /Accused on
anticipatory bail in the event of arrest in WLOR No.2 of 2024 pending on
the file of the respondent police.

For petitioner	:	Mr.S.Jim Raj Milton
For Respondent	:	Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 9, 39(b), 44, 49-B and 51
of the Wild Animals Act, 1972 in WLOR No.2 of 2024, on the file of the
respondent police, seeks anticipatory bail.

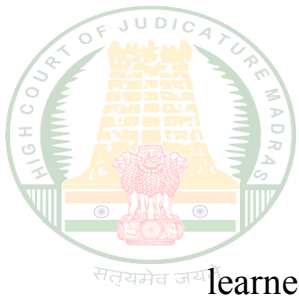


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2. The case of the prosecution is that the petitioner along with the other accused were travelling in a car; that when the car was intercepted by the respondent, the petitioner and the other accused ran away; and that A2 was arrested as he was found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

3. The learned counsel appearing 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. Learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and on instructions would submit that co-accused were arrested and the petitioner has no bad antecedents.



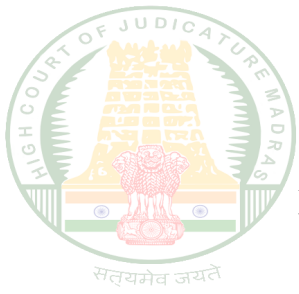
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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Considering the nature of allegations, the fact that the contraband has been seized, the petitioner has no bad antecedents 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 on which the order copy made ready, before **the learned Judicial Magistrate I, Tiruvallur** on condition that the petitioner shall execute a separate bond 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a]the petitioner and the sureties shall affix their



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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 everyday 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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.03.2025**vca**



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To

- 1.The Inspector of Police
Mathigir Police Station
(WLOR No.2 of 2024)
- 2.The Judicial Magistrate I,Thiruvallur
- 3.The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.

vca

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