



Crl.O.P.No.20012 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20012 of 2025

1. Amarnath
2. Muthu Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
The Forest Range Officer,
Tiruvallur Forest Range.
Tiruvallur District.
(WLOR No.1 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in WLOR No.1 of 2025 on the file of the respondent .

For Petitioners : Mr.K.G.Senthil Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.06.2025 in connection with WLOR No.1 of 2025 registered for the offences punishable under Sections 9, 39(b), 44, 49-B & 51 of Wildlife Protection Act, 1972, seeks bail.



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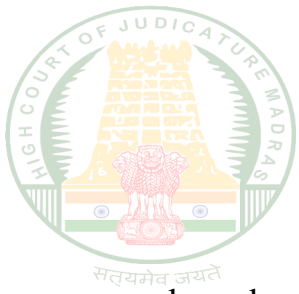
2. The case of the prosecution is that the accused were found to be in illegal possession of two ivories. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution case and opposed for granting bail to the petitioners. The elephant tusks were seized and the investigation is under progress.

5. Heard both sides and perused the materials available on record.

6. From the submissions made by the learned counsel appearing on either side, it is seen that one Periyaraj, who was arrayed as A6, had handed over the elephant tusks to the first accused, who in turn had given the same to A2 & A3 and instructed them to find out prospective purchasers. Though in the confession, the accused had stated about A6, who is the kingpin behind the entire case, and had also mentioned his address as Velleri Amman Kovil ward, Walajabad, the Investigating Agency has so far not arrested him till date. Moreover, the police custody of the petitioners was not taken to trace the



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whereabouts of A6. Therefore, in such circumstances, keeping the petitioners in custody would not serve any purpose.

7. In view of the above facts and circumstances of the case and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Poonamallee, Kanchipuram District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for further interrogation;

[c] the petitioners shall make themselves available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283];

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

16.07.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

1. The Judicial Magistrate No.I,
Poonamallee, Kanchipuram District.
2. The Inspector of Police,
The Forest Range Officer,
Tiruvallur Forest Range,
Tiruvallur District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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