



CRL OP(MD). No.2621 of 2025

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

Date : 12/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.2621 of 2025

Xavier Francis

... Petitioner/ A4

Vs

State of Tamil Nadu,
Through the Inspector of Police,
Forest Range Office,
Srivaikundam Range.
W.L.O.R.No.01 of 2025

... Respondent/Complainant

For Petitioner : Mr.B.N.Raja Mohamed, Advocate

For Respondent : Mr.R.Meenakshisundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023 praying to enlarge the petitioner/ A4 on bail in W.L.O.R.No.01 of 2025 dated 13.01.2025 on the file of the respondent/complainant police.

ORDER : This Court made the following order:-

This Criminal Original Petition has been filed by the petitioner/ A4 on 07.02.2025 under Section 483 of Bharathiya Nagarik Suraksha Sanhita, 2023 praying



to grant bail.

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2. The petitioner/A4 was arrested and remanded to judicial custody on 14.01.2025 for the alleged offences punishable under Sections 2(16), 9, 39(1)(a)(b)(d), 39(3)(a)(b)(c), 40(2), 49A(a)(b), 50, 50(b)(c), 51(1) and 51(B) of Wildlife Protection Act, 1972 (Amended Act 2022) in W.L.O.R No.01 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.01.2025, based on secret information received, the Forest Ranger went to the scene of occurrence and found that the accused persons, namely the petitioner (A4) and A3, were in possession of sea cucumbers, which are listed in the prohibited list under Schedule I of the Wildlife Protection Act, 1972. The Forest Ranger then informed the respondent-police, who acted upon the information, leading to the registration of a case against the accused persons.

4. Mr.B.N.Raja Mohamed, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 14.01.2025 and he is



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ready to obey the conditions to be imposed by this Court and therefore, prays for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that in this case, there are totally 4 accused persons. A1 and A2 are absconding. A3 and A4/petitioner were arrested. The petitioner has no previous case. A total of 790 kg of sea cucumbers has been recovered from A3 and A4. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. In this case, there are totally four accused persons, among which, A3, who is a Srilankan, and the petitioner were arrested. A1 and A2 are still absconding. The petitioner and A3 was arrested on 14.01.2025. Considering the period of incarceration of the petitioner and also considering the fact that the petitioner has no previous case and he has permanent residence and deep roots in the society and hence, there is less possibility of absconding and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to



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the petitioner, however, subject to certain conditions. Accordingly, bail is granted to

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the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.I, Srivaigundam, Thoothukudi District.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Srivaigundam, Thoothukudi District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. and 05.30 p.m., until further orders;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto

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complainant and witnesses and shall not tamper the evidence; and

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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
12/02/2025

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12/02/2025
Sub-Assistant Registrar (WRITS)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

1.THE JUDICIAL MAGISTRATE NO.I,
SRIVAIGUNDAM, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.



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3.THE INSPECTOR OF POLICE,
FOREST RANGE OFFICE, SRIVAIKUNDAM RANGE.

4 THE OFFICER IN CHARGE, SUB JAIL, SRIVAIGUNDAM.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.N.RAJA MOHAMED, Advocate (SR-1570[I] dated 12/02/2025)

ORDER

IN

CRL OP(MD) No.2621 of 2025

Date :12/02/2025

RK (12/02/2025) 6P / 7C

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