



CRL OP(MD) No.3736 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3736 of 2025

Rajaram

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Forest Ranger,
Sivagangai Range,
Sivagangai.
WLOR No.1 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.Prabhakaran Panneerselvam, Advocate.

For Respondent : Mr.K.Sanjai Gandhi, Government Advocate (Crl.Side)

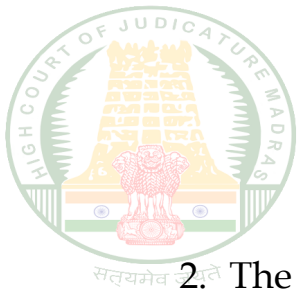
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner/ Accused No.1 on bail in W.L.O.R.No.1/2025 on the file of the respondent.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 03.01.2025 for the offences punishable under Sections 2(32), 39(1)(b), 39(1)(d), 39(1)(d)(5), 40, 42, 43, 44, 49, 49B (Schedule I Serial Nos.158 to 174), 50, 51, 52 and 57 of the Wild Life Protection Act, 1972 in W.L.O.R.No.1 of 2025 on the file of the respondent.

3. The case of the prosecution is that on 02.01.2025, at about 08:15 p.m., based on secret information, the defacto complainant, who is the Forest Ranger, along with his team, was conducting an inspection near the Manamadurai Bus stand. At that time, they noticed the petitioner standing in a suspicious manner, and on enquiry, they found that the petitioner was in illegal possession of 4.695 kgs of Ambergris (a prohibited item under the Wildlife Protection Act, 1972). Thereafter, the police team arrested the petitioner and seized Ambergris from him. Hence, the complaint.

4. Mr.Prabhakaran Panneerselvam, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that the respondent foisted a false case against this petitioner. He further submits that the petitioner has four children, out of which only two daughters have been married, and the petitioner is the breadwinner of the family. He further submits that the petitioner has deep roots in the society and will not abscond in future. He further submits that he is ready to abide by any conditions to be imposed



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by this Court. He further submits that the petitioner has been in incarceration since

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03.01.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent, submits that there are no previous cases against the petitioner. He further submits that if bail is granted to the petitioner, he will commit the similar offence once again. He further submits that the offence involved in this case is grave in nature. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. In view of the offence alleged against the petitioner and considering the fact that the alleged Ambergris has been seized by the respondent, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the age of the petitioner and taking note of the fact that the petitioner has no previous case and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand



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only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the satisfaction of the learned Judicial Magistrate, Manamadurai, Sivagangai 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, Manamadurai, Sivagangai District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

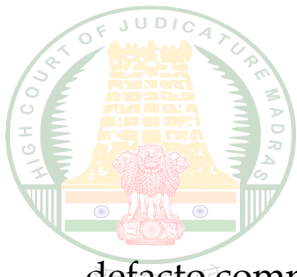
(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Manamadurai, Sivagangai District;

(vii) The petitioner shall appear and sign before the respondent daily at 10.30 a.m., until further orders;

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



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defacto complainant and witnesses; and

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(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Manamadurai, Sivagangai District 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/-
03/03/2025

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03/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE, MANAMAUDURAI, SIVAGANGAI DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI.
- 4 THE FOREST RANGER, SIVAGANGAI RANGE, SIVAGANGAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

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Date :03/03/2025

RS/IT/SAR-(03.03.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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