

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.
Vacation Sessions Judge/Principal Sessions Judge,
Kanniyakumari at Nagercoil.

Wednesday, the 8th day of May, 2024.

Crl.M.P. No. 36/2024 (CNR.No.TNKK00-000047-2024)

Crl.M.P. No. 56/2024 (CNR.No.TNKK00-000062-2024)

and

Crl.M.P. No. 90/2024 (CNR.No.TNKK00-000046-2024)

M. Manikumar, S/o Murugan (A6) .. Petitioner in Crl.M.P.No.36/2024

T.K.Ram, S/o Thulasiram (A7) .. Petitioner in Crl.M.P.No.56/2024

Muthu Ramesh Dass, (A3)
S/o Sankara Narayana Ramasamy .. Petitioner in Crl.M.P.No.90/2024

/Vs./

Forest Range Officer,
Boothapandy Forest Range,
W.L.O.R. No. 2/2024 of Boothapandy Forest Range,
Rep. by Special Government Pleader, Nagercoil.

.. Respondent

These three petitions are filed by Advocates Tvl. T. Santhosh Kumar, T. Saranya and C. Saravanan respectively, u/s 439 Cr.P.C., praying to grant bail to the petitioner in all petitions.

COMMON ORDER

Heard both sides. Perused the petitions.

These three petitions are filed by different accused, but in same O.R. number.

The petitioners/accused alleged to have been committed the offence u/s 2(2), 2(11), 2(18), 2(23), 2(31), 2(33), 39, 44, 50 and 51 of the Wild Life Protection Act, 1972.

The case of the prosecution is that on 10.04.2024 at about 10.00 A.M. the accused persons carry business for selling ivory without licence. Hence the charge.

The learned counsel for the petitioner in Crl.M.P.No.36/2024 submitted that the petitioner is innocent and he is a native of Theni district and he was working in a mutton stall at Kamayakoundenpatti in Theni District and he has been falsely implicated in this case and he has been in judicial custody from 17.04.2024 and the earlier bail petition in Crl.M.P. No. 114/2024 was dismissed by the Special Judge for Forest Offence Cases, Nagercoil on 26.04.2024 and the properties were already seized and the investigation of the case is almost over and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned counsel for the petitioner in Crl.M.P.No.56/2024 submitted that the petitioner is innocent and he is a native of Theni district and he was working in a private company and he has been falsely implicated in this case and he has been in judicial custody from 18.04.2024 and the earlier bail petition in Crl.M.P. No. 115/2024 was dismissed by the Special Judge for Forest Offence Cases, Nagercoil and the properties were already seized from A3 and A4 at Nagercoil and the co-accused A1 moved before the Hon'ble Madurai Bench of Madras High Court vide

Crl.OP(MD) No.6214/2024, wherein the Hon'ble High Court granted interim bail and the investigation of the case is almost over and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned counsel for the petitioner in Crl.M.P.No.90/2024 submitted that the petitioner is innocent and he has not committed any offence and he has been falsely implicated in this case and he has been in judicial custody from 10.04.2024 and the earlier bail petition in Crl.M.P. No. 116/2024 was dismissed by the Special Judge for Forest Offence Cases, Nagercoil on 26.04.2024 and the properties were already seized and the investigation of the case is almost over and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned Special Government Pleader for Forest Offence Cases opposed the application and submitted that on 09.04.2024 at about 5.00 P.M., the Forest Ranger, Thirunelveli got secret information and based upon the information, the Forest Ranger, Tirunelveli along with his subordinates came to Kanyakumari Division, Boothapandi Forest Range, Nagercoil and when they were conducting patrol duty near Hindu College, Nagercoil, they found 4 persons standing near car in a suspicious manner. Immediately the forest officials went near to them and the accused persons tried to escape with the car and bike, and the forest officials arrested the accused 3 and 4 and they conducted enquiry and when searched the car, they found 2 ivory and subsequently, the Special Team handed over the properties and the vehicle along with accused persons to the concerned forest range and the case was registered and subsequently on 18.04.2024, the forest officials again conducted enquiry and they arrested A5 to A7 and he has serious objection to grant bail to the

petitioners and the petitions may be dismissed.

The case of the prosecution is that on 10.04.2024 at around 10.00 A.M., when the accused 1 to 4 attempted to transport elephant tusk for the purpose of selling in Maruthi Suzuki ALTO bearing Regn. No.TN 69 BD 0388, the forest officials who were conducting vehicle check-up, seized elephant tusk and A1 and A2 were reported to have fled away from the scene and A3 and A4 have been arrested at the scene of occurrence with seized contraband. As per the case of prosecution, the 3rd accused Muthu Ramesh Dhas had implicated the 1st accused as the person who offered to sell the pair of elephant tusk, for which he requested the 3rd accused Muthu Ramesh Dhas to find purchasers and the 2nd accused and the 4th accused are the friends of 3rd accused who informed him about the availability of purchasers. It is pursuant to this, according to the 3rd accused, the elephant tusks were brought by the 1st accused which was being transported at the time of apprehension. It is the further case of the prosecution that subsequently, the Control Room, Madurai Region received secret information, upon which, the accused 5 to 7 were brought for enquiry on 17.04.2024 in connection with the present WLOR No.2/2024 and during the investigation, it was found that the elephant tusks, that were transported were handed over by 5th accused to the 6th accused who in turn handed it over to the 7th accused, a relative of the 1st accused and the 7th accused, in turn, had handed it over to the 1st accused, upon which, the said elephant tusks came to be in the possession of the accused 1 to 4. The 5th accused was said to have made confession to the effect that he got hold of the elephant tusks three years back, which was lying behind a bush in a grazing area. When he brought them and informed about the same to the 6th accused,

he took away the elephant tusks. The 6th accused was said to have confessed to the effect that he had requested one Rajesh and through him, he sold the same to one Ram namely the 7th accused. The 7th accused is said to have confessed to the effect that he had handed them over to Rajaram, the 1st accused and it is these elephant tusks which were seized by the forest authorities from the 3rd and 4th accused by being transported. Considering the nature of the above allegations against the petitioners and the manner in which their involvement in the alleged offences is claimed to have been identified by the prosecution, this court is of the view that the present petitions deserve to be allowed.

In the result, the petitioners/Accused are ordered to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Special Judge, Special Court for Forest Offence Cases, Nagercoil and after release the petitioners shall appear and sign before the respondent forest range office daily at 10.00 A.M. until further orders and accordingly all the three petitions are allowed.

Pronounced by me in open court this the 8th day of May, 2024.

Vacation Sessions Judge.

To

The Special Judge, Special Court for Forest Offence Cases, Nagercoil.

(through e-Mode)

The Forest Ranger, Boothapandy Range Office. (through court cell e-Mode)

The Superintendent, District Jail, Nagercoil. (through e-Mode)

The counsel for the petitioner in all the three petitions.