

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.

Thursday, the 23rd day of May, 2024.

CrI.M.P.No.166/2024

(CNR.No.TNKK0V-000233-2024)

Subash Martin C/o. Samuthira Pandian

.. Petitioner

/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

This petition is filed by Advocate Thiru J. Mariya Antony Radhisha, u/s
438 Cr.P.C., praying to grant anticipatory bail to the petitioner in all petitions.

ORDER

Heard both sides. Perused the petitions.

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

The case of the prosecution is that the accused persons was illegally
possessing two tusks (total weight 2.385 kg.) and brought them near S.T. Hindu
College, Nagercoil to sell them at higher price. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence and it is a false case and the FIR has been registered with a vindictively motive against the accused and the co-accused/A1 was granted interim anticipatory bail by the Hon'ble High court and A3, A6 and A7 were granted bail by this court and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned Special Government Pleader for Forest Offence Cases opposed the application and submitted that this petitioner is the prime accused in this case and vehicle not yet seized and the investigation is in the preliminary stage and he has serious objection to grant anticipatory bail to the petitioner and the petition may be dismissed.

Considered the objection of the learned Special Government Pleader for Forest Offence Cases. Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the fact that the co-accused were granted bail by this court, this court is inclined to grant anticipatory bail to the petitioner with conditions.

In the result, in the event of arrest or on his appearing before the court concerned the petitioner is ordered to be enlarged on anticipatory bail on his 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 subject to the following conditions:-

1. The petitioner shall appear before the court concerned within 15 days from today without fail and also the petitioner shall surrender the vehicle/car before

the Investigation Officer.

2. After release, the petitioner shall appear and sign before the respondent Forest Range Officer daily at 10.00 A.M. until further orders.
3. The petitioner shall also make himself available before the respondent as and when required.
4. The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioner shall not leave the jurisdictional police limit without prior permission.

If there is any violation of condition, the Investigation Officer is with in his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in open court this the 23rd day of May, 2024.

Vacation Sessions Judge.

To

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

(through e-Mode)

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

The counsel for the petitioner in all the three petitions.