
(2025) 11 MAD CK 1888

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 19647 Of 2025

Sudhakar And Others

APPELLANT

Vs

State Of Tamil Nadu

RESPONDENT

Date of Decision : 07-11-2025

Acts Referred:

Wild Life (Protection) Act, 1972 — Section 2(1), 2(2), 2(5), 2(11), 2(12B), 2(14), 2(15), 2(17), 2(18), 2(19), 2(23), 2(24A), 2(25B), 2(30), 2(31), 2(32), 2(36), 37, 39, 40, 42, 44(1)(A, 47, 48, 49, 50, 51(1), 52, 55, 56, 57
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2025) 11 MAD CK 1888

Hon'ble Judges : S.Srimathy, J

Bench : Single Bench

Advocate : R.Ganeshprabu, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioners, who was arrested and remanded to judicial custody on 07.10.2025 for the offences punishable under Sections 2(1) (2) (5) (11) (12B) (14) (15) (17) (18) (19) (23) (24A) (25B) (30) (31) (32) (36), 37,39,40,42,44(1) (a) 47,48,49,50,51(1), 52,55,56,57 of the Wilfdlife (Protection)Act, 1972 in W.L.O.R.No.7 of 2025 on the file of the respondent, seeks bail.

2. The case of the prosecution is that 06.10.2025 at about 2.00 p.m., the respondent arrested the petitioners, alleging that he is in possession of Elephant Ivory (Tusk) in their car with the intent to sell it in the market for a huge amount. The purpose of transporting the said ivory was solely to obtain an authorization certificate from the Government. However, the Respondent police arrested the petitioners without properly considering his explanation. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the

prosecution. He would further submit that the petitioners are in custody from 07.10.2025. Hence, he seeks bail.

4.The learned Additional Public Prosecutor submitted that the petitioners are in possession of Elephant Ivory (Tusk) in their car with the intent to sell it in the market for a huge amount. The purpose of transporting the said ivory was solely to obtain an authorization certificate from the Government. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also A1 was already granted anticipatory bail and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:-

6.Accordingly, the petitioners are ordered to be released on bail on executing a bond 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 Court VI, Madurai, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] The petitioners shall furnish his residential address and mobile number to the learned Judicial Magistrate Court VI, Madurai

[c] If the petitioners changes his residential address, he shall report the same to the learned Judicial Magistrate Court VI, Madurai.

[d] the petitioners shall report before the respondent daily at 10.30 a.m. for a period of one week and thereafter, as and when required for interrogation.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.