



IN THE COURT OF THE JUDICIAL MAGISTRATE, THIRUVADANAI.

Present : Thiru. J. Antony Rishandev, B.B.A., L.L.B (Hons).
Judicial Magistrate,
Thiruvadanai.

Dated, Monday the 16th day of March 2026

Cr.M.P. No. 188/2026

in

W.L.O.R No. 02/2026

Yaasar Arabath
S/o.Nainaar Haaja
No. 35/26,9/125
Gandhi Nagar, Devipattinam
Ramanathapuram District.

..... Petitioner / Accused
/Vs

State through,
Forest Ranger,
Wild Life Range,
Ramanathapuram.
W.L.OR. No. 02/2026
Chapter Sec 2(14), 2(16)(a), 2(16)(b), 2(16)(c),
Chapter III Sec 9,
Chapter V Sec 39(1)(a), 39(1)(d),
39(3)(a), 39(3)(b), 39(3)(c),
Chapter VI Sec 50,57 Section 51(1).

..... Respondent / Complainant

This petition came up for hearing before me on 16.03.2026 in the presence of advocate for Petitioners/Accused Thiru. Raja Sahul Hameed and Thiru.Elango APP Grade – I upon perusing the documents and hearing, both sided this Court makes the following,

ORDER



1. The Petitioners/accused have filed a bail petition under Section 480 of BNS seeking bail in connection with W.L.O.R. No. 02/2026, wherein the accused has been charged under Sections Sec 2(14), 2(16)(a), 2(16)(b), 2(16)(c), Chapter III Sec 9, Chapter V Sec 39(1) (a), 39(1)(d), 39(3)(a), 39(3)(b), 39(3)(c), Chapter VI Sec 50,57 Section 51(1)of Wild Life Protection Act 1972 (2022 Amendment). The accused was arrested on 04.03.2026 and remanded to judicial custody.
2. The allegation against the accused is that based on a tip off about illegal Wildlife trafficking vehicles were intercepted and checked. Upon checking a Baleno Car bearing Registration number TN 65 AR 6197 which was driven by the accused, there were two bags in the boot of the car which contained about 8.6 Kgs of dried sea horses. The petitioner side stated that this is a false and foisted case hence prayed to grant bail for the accused.
3. On the other side the prosecution side gave a reply stating that the trial of this case will be affected if the accused is released in bail since there are chances of absconding and the other accused involved in this case is still absconding. Hence. Prayed to dismiss this petition.
4. I have heard the arguments of the learned counsel for the petitioners and the learned public prosecutor. I have also perused the case records and considered the submissions made by both sides.
5. The primary accusation against the accused is that based on a tip off about illegal Wildlife trafficking vehicles were intercepted and checked. Upon checking a Baleno Car bearing Registration number TN 65 AR 6197 which was driven by the accused, there were two bags in the boot of the car which contained about 8.6 Kgs of dried sea horses.. The learned counsel for the petitioner has further submitted that the accused has no prior criminal antecedents, which has also been corroborated by the prosecution.



6. The Hon'ble Supreme Court and various High Courts have consistently held that while considering a bail application, the court must take into account several factors, including:

- (i) The nature and gravity of the offense.
- (ii) The likelihood of the accused absconding or tampering with evidence.
- (iii) The need for custodial interrogation.
- (iv) The risk of the accused committing further offenses while on bail.
- (v) The likelihood of securing the accused's presence during the trial.

7. In this case, the court notes the following:

- (i) The accused has been charged with, an offenses under the wild life protection Act. While the offense is serious, it is not one that mandates the continued incarceration of the accused, particularly in light of the fact that the stolen property has already been recovered.
- (ii) There is no indication that the accused poses a flight risk since accused is a permanent resident of Ramanathapuram District, which reduces the chances of absconding.
- (iii) There is no evidence or suggestion that the accused would tamper with the evidence or influence witnesses, especially since the investigation is substantially complete.
- (iv) The accused has no criminal history, which supports the contention that further incarceration is not necessary to prevent the commission of similar offenses.
- (v) The accused are in the judicial custody for the past 12 days.

8. The court is satisfied that further incarceration of the accused is not warranted, as the investigation would have been substantially over and he has no criminal history. The principles of criminal jurisprudence emphasize that bail is the rule and jail is an exception. Given the absence of any significant risk factors, the accused is entitled to bail.



9. However, in order to ensure the accused cooperation with the trial process and to prevent the commission of further offenses, this court deems it fit to impose certain conditions. Accordingly, the bail petition is allowed, and the petitioner/accused is granted bail subject to the following conditions:

Conditions:

1. The petitioner/accused shall be released on bail on executing a bond for a sum of Rs. 10,000/- with two sureties each for the like sum.
2. The sureties shall affix their Photographs and Left Thumb Impression in the surety bond and also produce two photograph and copy of their Adhar card or Bank pass book to ensure the identity ;
3. The petitioner/accused shall appear and sign before this court every day at 10.30 AM from the date of his release for 30 days.
4. The petitioner/accused shall not commit any offense similar and any violation of conditions stipulated will result in invoking section 269 of BNS.
5. The petitioner/accused shall cooperate with the investigation and trial and appear before the court as and when required.
6. The petitioner/accused shall not hamper the witnesses or tamper with the evidence in any manner.
7. The petitioner/accused shall not abscond during the pendency of the trial.

In the result, the petition is allowed.

Dictated by me to the Typist and she typed in the Computer and Corrected and Pronounced by me in the Open Court on 16th day of March 2026.

Judicial Magistrate,
Thiruvadanai.