

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Bail Appl..No. 49 of 2015

CRIME NO. 14/2014 OF PONGANANGAD FOREST STATION, TRISSUR

PETITIONER(S)/ACCUSED NO.2:

**ASHISH P JOSEPH, AGED 40 YEARS
S/O.JOSEPH, PADAVAN HOUSE,
KOORKKENCHERY VILLAGE,
THRISSUR DISTRICT.**

BY ADV. SRI.A.C.DEVY

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 49 of 2015

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Dated this the 22nd day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in O.R.No.14 of 2014 of the Ponganangad Forest Station, Thrissur District, registered for the offence punishable under Section 51 of the Wild Life (Protection) Act, 1972.

3. On 24.11.2014, two Hedge hogs (*Hemiechinus auritus*), which are wild animals within the meaning of the Wild Life (Protection) Act, 1972 were found in the possession of A1. When A1 was questioned, it was revealed that the same were sold to him by A3 and he was keeping it for handing it over to the petitioner.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. There is nothing to show that the petitioner had purchased the said wild animals. Apart from the confession of

A1 that it was intended for sale to the petitioner, there is no other evidence against the petitioner. Any wild animals were not seized from the possession of the petitioner. Considering all the above, I am of the view that this is not a case where the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays

commencing from 29.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

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P.A. To Judge