

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl.No. 156 of 2015

CRIME NO. 589/2015 OF AGALI POLICE STATION, PALAKKAD
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PETITIONER(S)/ACCUSED:

1. KUMAR @ SIVAKUMAR, AGED 38,
NANDARAJAN, SUMITHRA NIVAS, NELLIPATHI,
AGALI, MANNARKKAD, PALAKKAD DISTRICT.
2. ISMAIL @ MUHAMMED ISMAIL, AGED 31 YEARS,
S/O.VEERANKUTTY, THACHUPARAMBIL HOUSE,
PERIMBADARI P.O., MANNARKKAD.

BY ADV. SRI.V.C.MADHAVANKUTTY

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
AGALI POLICE STATION, PALAKKAD DISTRICT - 678 301.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No.156 of 2015

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Dated this the 18th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.589 of 2015 of the Agali Police Station, registered for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that one day in between 15.10.2014 and 02.12.2014, they committed trespass into the property of the defacto complainant, who is the member of a Scheduled Tribe, and cut and removed 34 trees, having a value of Rs.2,00,000/-. It seems that most of the trees could not be taken away, whereas, the timbers are still lying in the property of the defacto complainant.

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

5. This is a case, in which the petitioners have trespassed into the property of the defacto complainant and cut down certain valuable trees. Most of the trees could not

be taken away and most of the trees are lying there in the property. The defacto complainant has sustained a loss of Rs.2,00,000/-. Considering the submissions made by the learned counsel for the petitioners that the petitioners are ready and willing to deposit the said amount of Rs.2,00,000/- before the court below, I am of the view that anticipatory bail can be granted to the petitioners as no criminal antecedents have been reported against them.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.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 petitioners shall deposit an amount of Rs.2,00,000/- before the court below within ten days from today.
- (ii) The petitioners shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 25.02.2015 for a period of six months.

(iii) The petitioners shall not tamper with the evidence or influence witnesses.

(iv) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(v) The petitioners shall not involve in any offence while on bail.

(vi) The petitioners shall not remove the timbers from the property.

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/18/2/15

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P.A. To Judge

