

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 192 of 2015

CRIME NO. 1/2015 OF FOREST RANGE OFFICE , MANNARKKAD, PALAKKAD

PETITIONER(S)/ACCUSED NOS.4 & 5:

- 1. SURESH, AGED 33 YEARS,
S/O.CHINNAKUTTAN, LATHANOR HOUSE, POTTASSERY
MANNARKKAD, PALAKKAD DISTRICT.**
- 2. NANDANAM @ KANNAN, AGED 30 YEARS
S/O.BHASKARAN, KANDICHERARA HOUSE, POTTASSERY
MANNARKKAD, PALAKKAD DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STAE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE FOREST RANGE OFFICER
MANNARKKAD FOREST RANGE, PALAKKAD DISTRICT
PIN - 678 582.**

BY PUBLIC PROSECUTOR SRI.SHIBU GEORE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

B.A.No.192 OF 2015

Dated this the 19th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos. 4 and 5 in O.R. No.1/2015 of the Mannarkkad Rorest Range, Palakkad District, registered for the offences punishable under Section 27(1)(e)(iv) of the Kerala Forest Act, 1961 and under Sections 2(16)(b), 2(35), 9, 39(d) and 51 of the Wild Life Protection Act, 1972.

3. The allegation against the petitioners and the other accused is that, on 5.1.2015, they trespassed into the reserve forest at Karimankunnu with tracker dogs and spades for hunting wild animals from the reserve forest. They were surrounded by the forest officials, and A1 to A3 could be arrested. A4 and A5, who are the petitioners herein, ran away from the spot and, therefore, they could not be arrested.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. The contents of the CD prima facie reveal the complicity of the petitioners. Eventhough they had not made any hunting, it seems that they had trespassed into the forest for the purpose of hunting with spades and tracker dogs. Since the allegations against the petitioners are very grave and serious, this is not a fit case, wherein the discretionary relief of anticipatory bail can be granted to the petitioners. At the same time, in the absence of any criminal antecedents on their part, I am of the view that an opportunity can be given to them to surrender before the investigating officer in order to co-operate with the investigation.

6. In the result, this Bail Application is dismissed. At the same time, if so advised, the petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners and conduct the investigation and produce the petitioners without delay before the concerned Judicial First Class Magistrate's Court, where the petitioners can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on

the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

**sd/-**  
**B.KEMAL PASHA, JUDGE.**

ps/19/1/2015

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PA to Judge