

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 288 of 2015 ()

OR. NO. 1/2015 OF PARIYARAM FOREST RANGE, THRISSUR DISTRICT.

.....

PETITIONER(S):

**FRANCIS, AGED 59 YEARS,
S/O. KOCHAPPAN, MOONJELI HOUSE,
KONNAKUZH P.O., PARIYARAM VILLAGE,
THRISSUR DISTRICT.**

BY ADV. SRI.NIREESH MATHEW.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.288 of 2015
.....

Dated this the 21st day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in O.R. No.1/2015 of Konnakuzhy Forest Station of Pariyaram Forest Range registered for the offences punishable under Sections 2(1), (16), (16B), (16C), 36, 9, 50 and 51 of the Wild Life (Protection) Act, 1972.

3. There were frequent attacks from Leopard in the property of the petitioner as well as in the neighbourhood. Frightened by the frequent attacks, it is alleged that the petitioner placed a snare in his property for catching the Leopard or any such wild animals so that the same could be trapped and handed over to the forest officials. A Leopard

came to the property and got entangled in the snare. As it was very strong, it got the snare detached from the tree on which it was affixed and ran along the property and climbed on a Mahagony tree. The snare got entangled on a branch of the tree, thereby the Leopard fell down and in that process, it remained as hanged on the branch of the tree, thereby it died.

4. Heard learned counsel for the petitioner and learned Additional DGP.

5. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. There is proper justification on the part of the petitioner in placing a snare in his property. It is a fact that he has not attempted for any electrocution or poisoning; whereas a snare was placed with a view to trapping the wild animal for handing it over to the forest officials or such other officers. Matters being so, I am of the view that this is a fit

case wherein anticipatory bail can be granted to the petitioner.

6. 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 each for the like sum 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 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 28.01.2015 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)

aks/21/01

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PA to Judge