

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Bail Appl..No. 541 of 2015 ()

O.R. NO. 3/2014 OF KANTHALLOOR FOREST RANGE, IDUKKI DISTRICT.

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PETITIONER:

**LIJU, S/O. SASI, AGED 34 YEARS,
VATTAPPARA HOUSE, MUTTUKAD,
BISONVALLEY P.O., BISONVALLEY VILLAGE,
IDUKKI DISTRICT.**

BY ADV. SRI.S.JIJI.

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.541 of 2015 C

Dated this the 10th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 11th accused in O.R. No.03/2014 of Kanthalloor Forest Range, Idukki registered for the offences punishable under Sections 27(1)(e)(iii) & (iv) and 47B, 47G of the Kerala Forest Act, 1961.

3. This is a case wherein two sandal wood trees were cut and removed from the reserve forest of Ellukuzhy area in Karayur Sandal Reserve-1 coming under the Kanthalloor Forest Station. The allegation against the petitioner is that he has purchased 50 Kgs. of sandal wood from A5.

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

5. The allegations against the petitioner are very grave and serious. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The investigation has a long way to go in the matter. The concerned quantity of the sandal wood, allegedly purchased by the petitioner, has not yet been recovered. Therefore, this is a case wherein the custodial interrogation of the petitioner is required for the continued investigation of the case. Matters being so, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the

petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner 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

dl

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PA to Judge