

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No. 592 of 2015 ()

CRIME NO. 1194/2014 OF MANJERI POLICE STATION, MALAPPURAM DISTRICT.

.....

PETITIONER/ACCUSED:

**MOHAMMED OLIKKAL, AGED 30 YEARS,
S/O.C.M. MOIDEEN, OLIKKAL HOUSE, PULLARA,
VALLUVAMBRAM. P.O, ERNAD TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN,
SRI.JITHIN LUKOSE.**

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
(CRIME NO.1194/2014 IN MANJERI POLICE STATION IN
MALAPPURAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.592 2015
.....

Dated this the 23rd day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1194/2014 of Manjeri Police Station registered for the offences punishable under Sections 27(1)(e)(iv)(iii)(1)(d), 47, 47(B), 47(C) (1)(i) and 47(G) of the Kerala Forest Act, 1961.

3. The allegation against the petitioner is that on 13.12.2014 he was found keeping 26 pieces of sandalwood and 6 sacks containing granules of sandalwood at the terrace of his residential building.

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

5. The contents of the CD, *prima facie*, reveal the

complicity of the petitioner. The allegations against the petitioner are very grave and serious. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that this is a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, no criminal antecedents have been reported against the petitioner. Considering all the above, I am of the view that, while dismissing this bail application, an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

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

BA.592/2015

: 3 :

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)

aks/23/02

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PA to Judge