

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No. 852 of 2015 ()

**O.R.NO. 8/2014 OF KODUMPUZHA FOREST STATION, NILAMBUR FOREST RANGE,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED:

**MOIDEEN I.T.,
S/O.ABDULLAKUTTY HAJI, AGED 48 YEARS,
ILLIKKATHODI HOUSE, MOOCHIKKAL,
PULLARA, VALLUVAMBRAM, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE DEPUTY FOREST RANGE OFFICER,
KODAMPUZHA FOREST STATION, MALAPPURAM DISTRICT,
PIN-679 329.**

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No.852 of 2015

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Dated this the 5th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in O.R.No.8 of 2014 of the Kodumpuzha Forest Station, registered for the offences punishable under Sections 27(1)(e)(iv)(iii)(i)(d), 47C(i)(ii), 47F (i) and 47G of the Kerala Forest Act, 1961.

3. The allegation against the petitioner is that on 18.11.2014, the 2nd accused was arrested from the premises of the house of the petitioner, with 26 Kgs of sandal wood pieces and sandal wood granules. Consequent to it, a search was conducted at the house of the petitioner, in which 125 ml of sandal oil was seized.

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

5. Even though 125 ml of sandal oil was seized from the house of the petitioner, he could not validly account for it. Over and above it, the investigating officer has reported that the custodial interrogation of the petitioner is required for

tracing out of the source from where the sandal oil, sandal wood granules and sandal wood pieces were collected. It has also been reported that the petitioner is a habitual offender involved in similar offences and he is an accused in O.R.No.14 of 1993 and O.R.No.3 of 2010 of the Kodumpuzha Forest Station. The investigation has a long way to go. Considering the seriousness of the allegations against the petitioner, the present stage of the investigation and also the fact that the petitioner is a habitual offender involved in similar offences, I am of the view that he is not entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioner seeks for an opportunity 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 court below,

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

DSV/5/3/15

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P.A. To Judge