

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 875 of 2015 ()

CRIME NO. 18/2014 OF FOREST RANGE OFFICE, THAMARASSERY

PETITIONER(S)/ACCUSED NO.2:

MANAF, AGED 28 YEARS
S/O. LATE UMMER, MELETHODUKAYIL HOUSE
KODUVALLY VILLAGE, KARUVANPOYIL POST
KOZHIKODE - 673 572.

BY ADV. SRI.ABDUL JALEEL.A

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 31.

2. THE FOREST RANGE OFFICER,
FOREST RANGE OFFICE, THAMARASSERY,
KOZHIKODE DISTRICT 673 571.

BY SR.PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Pn

B.SUDHEENDRA KUMAR, J.

Bail Application No. 875 of 2015

Dated this the 17th day of June, 2015

ORDER

The petitioner is the 2nd accused in OR No.18/2014 of Forest Range Office, Thamarassery registered under Sections 27(1) (d), 47(A), (B), (C), (D), (F), (G), (H) and 52 of the Kerala Forest Act.

2. The prosecution allegation is that on 29.09.2014, when the house of the petitioner was searched, a plastic bag containing 146 Kg of Sandalwood pieces were found on the courtyard of the said house. The 1st accused was arrested from the spot and the petitioner ran away from the place.

3. The petitioner has filed this application under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has opposed the application. It appears that there are materials to prima facie connect the petitioner with the commission of the offence. Investigation has to be conducted with respect to the source of the sandalwood. Considering the nature and gravity of the offence alleged against the petitioner, I am not inclined to

grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this application stands dismissed. However, the petitioner shall be at liberty to surrender before the 2nd respondent within 10 days from today, if so advised. In the event of such surrender, the 2nd respondent shall produce the petitioner before the Jurisdictional Magistrate after interrogation. If the petitioner files any application for bail on his production before the Jurisdictional Magistrate, the learned Magistrate shall consider and dispose of the application for bail, as expeditiously as possible, strictly in accordance with law.

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

/true copy/

P. A. to Judge

Pn