

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 1460 of 2015

O.R.NO. 5/2015 OF PALODE FOREST RANGE, THIRUVANANTHAPURAM DISTRICT

PETITIONER(S)/ACCUSED NO.8 :

**MUHAMED MOIDEEN, AGED 53 YEARS,
S/O.MUHAMED ALAVI, "MASS", KOLLARUKONAM,
PERINGAM VILLAGE, NEDUMANGADU TALUK,
THIRUVANANTHAPURAM (DIST).**

BY ADV. SRI.ANIL K.MOHAMMED

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

.....
B.A.No. 1460 of 2015
.....

Dated this the 26th day of June, 2015

ORDER

The petitioner is the 8th accused in O.R.No.5 of 2015 of Palode Forest Range registered under Sections 2(2) (16), 39, 50 and 51 of Wild Life (Protection) Act.

2. The prosecution allegation is that on 12.02.2015 at about 4.30 p.m., the forest officials intercepted accused Nos.1 to 3 in a suspicious condition. When the bag of the 1st accused was inspected, it was found that it contained three sand boa. All the three accused persons were arrested then and there. The sand boa was also seized as per a mahazar. The motor bikes in which the accused came there had been also seized. On the basis of the statement given by one of the accused, the involvement of the petitioner was revealed. According to the prosecution, the petitioner, who is the 8th accused in the crime, handed over the above said bag containing the sand boa to the 7th accused, who in turn handed over the same to the 1st accused.

3. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure.

4. Heard.

5. The learned Public Prosecutor has opposed the application.

6. The offence alleged against the petitioner and the other accused is very grave in nature. It appears that the interrogation of the petitioner is necessary to ascertain as to whether the petitioner is involved in any other offence of similar nature or not. Considering the nature and gravity of the offence alleged against the petitioner, an order under Section 438 Cr.P.C. in favour of the petitioner will not be justified.

In the result, this application stands dismissed. However, the petitioner shall be at liberty to surrender before the Investigating Officer within ten days from today, if so advised. In the event of such surrender by the petitioner, the Investigating Officer 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, in accordance with law, as expeditiously as possible.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE.

AMV/26/06/

/TRUE COPY/

P.A.TO JUDGE