

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 3677 of 2015 ()

**CRIME NO. 236/2015 OF KONNI POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONER/ACCUSED NO.2 :

**ANIL THOMAS, AGED 38 YEARS,
S/O. THOMAS, THYMALA HOUSE, MANJADI P.O., THIRUVALLA
PATHANAMTHITTA DISTRICT. (SHOWN IN THE O.R. AS ANIL THOMAS,
AGED 38 YEARS, COOLIE, MARUTHIMOOTTIL HOUSE, NEERAMUKKULAM
NELLIKKAPARA P.O., KOKKATHODU, ARUVAPPULAM VILLAGE,
KONNI TALUK, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KONNI POLICE STATION, PATHANAMTHITTA DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

SUNIL THOMAS, J.

B.A. No. 3677 of 2015

Dated this the 9th day of July, 2015

ORDER

The applicant herein is the 2nd accused in Crime No. 236/2015, of Konni Police Station for offence punishable under Section 3 R/w section 25(1A) of the Arms Act, 1959.

2. The allegation of the prosecution is that on 16.03.2015, he along with the 1st accused unauthorisedly entered into a reserve forest with the intention to hunt wild animals. The 1st accused was armed with a country gun and ammunition and were intercepted by the Forest Officials. The 1st accused, along with arms and ammunition was arrested at the spot, after search. The 2nd accused allegedly ran away from the spot. Apprehending the arrest, the 2nd accused has approached this Court seeking pre arrest bail. Heard and examined the records.

3. The learned counsel for the applicant contended that the 1st accused is not known to him and on his assurance that he will show the forest, he accompanied him to have a visit to the forest. It is further submitted that he was not aware of the fact that the 1st accused was carrying arm and ammunition. Prima facie, I am not inclined to accept this argument, since it cannot be believed for a moment that a person would go to the forest unless he has close acquaintance with the person accompanying him and for the further reason that alleged country gun cannot be concealed. Above all, according to prosecution when 1st accused was intercepted by the Forest Officer, the 2nd accused ran away from the spot.

4. However, it is on record that the applicant herein was granted bail by this Court in Crime O.R. No. 2/2015 of Kokkathodu Forest Station by order in B.A. No. 1902/2015, which is also a crime alleged to have been committed in the course of the same transaction. The

arms and ammunition have been seized and the 1st accused has been arrested. The remaining allegation against the applicant herein is sought to be proved through the oral testimony of Forest Officer.

5. Considering these facts, I am inclined the bail of the petitioner subject to the following strict conditions:

1. The petitioner shall appear before the Investigating Officer on 17.07.2015 between 9 a.m and 10 a.m.
2. He shall undergo interrogation and at the end of interrogation, if the Investigation Officer proposes to arrest him, he shall be released on bail on he executing a bond for a sum of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties for the like sum each.
3. He shall appear before the Investigation Officer on every Wednesday between 10 a.m and 11 a.m for a period of 2 months from the date of execution of the bond as above or till the final report is filed whichever

is earlier.

4.He shall not get himself involved in any other identical crime, threaten, intimidate or coerce the witness.

This petition is allowed subject to the above conditions.

Sd/-
SUNIL THOMAS
JUDGE

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