

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 4827 of 2015

O.R. NO. 6/2015 OF ERUMELI FOREST RANGE OFFICE, KOTTAYAM
.....

PETITIONER(S)/ACCUSED:

**GOPALAKRISHNAN NAIR, AGED 67,
S/O.KUTTAN PILLAI,
KIZHAKKEMALAYKAL (H), MULAKKULAM SOUTH P.O.,
VAIKOM, KOTTAYAM - 686 610.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE RANGE OFFICER,
(OR NO.6/15) FOREST STATION, ERUMELI RANGE,
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR
FOR FOREST CASES,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.4827 of 2015

Dated this the 1st day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in O.R No.6 of 2015 of Forest Station, Erumeli Range registered for offences punishable under Sections 2(31) b, 39(b) and 51 of Kerala Wildlife (Protection) Act, 1972.

3. Prosecution case, in short, is that the petitioner was the owner of an elephant by name Mohanan. The elephant died sometime before. It is alleged that he sold away the tusk of the elephant against the declaration given to the Forest Department and thereby committed the aforementioned offences.

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

5. After hearing the learned counsel on both sides, I am of the view that custodial interrogation may not be necessary in

this case. Therefore, I am of the view that the petitioner is entitled to plead for pre-arrest bail under Section 438 of the Code of Criminal Procedure. Therefore, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of one week from today and submit himself for interrogation. In that event, the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-

**A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge