

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Bail Appl..No. 4887 of 2015

OR. NO. 1/2015 OF EDAMALAYAR FOREST STATION, ERNAKULAM DISTRICT.
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PETITIONER/ACCUSED NO.33:

**MANOJ. S, AGED 35,
S/O.SANKARAN, INCHAPPUZHA HOUSE,
KALIKKULAM KARA, IRAPURAM VILLAGE,
KUNNATHUNADU.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE DEPUTY RANGER (OR NO.1/15),
EDAMALAYAR FOREST STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY ADDL. D G P SRI.TOM JOSE PADINJAREKARA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.4887 of 2015

Dated this the 21st day of August, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 3rd accused in OR.No.1/2015 of Edamalayar Forest Station, Ernakulam District. The case was registered under Sections 27(1) (e) & (iv) of the Kerala Forest Act and Sections 9, 2(2) 2(16), 2(20), 2(36), 2(37), 39, 48(a), 49, 50, 51, 57 of the Kerala Wild Life Protection Act when it was found out that several elephants were killed in the reserve forest. The allegation is that some of the accused trespassed into the reserve forest, killed several elephants and sold the tusks to some other accused. It is submitted that the petitioner is not directly involved in the commission of the offences and he has been in custody since 24.07.2015. The request is to grant him bail.

3. Heard.

4. I have perused the confession statement of the petitioner which is the only evidence so far as he is concerned. He was found to be in possession of two country made guns. He had obtained a licence for possession of both guns. But the licence expired long ago for one gun and for the other in 2015 only. As of now there is nothing to show that he trespassed into the reserve forest or was involved in the killing of the animals or possession or sale of ivory. Taking into account these facts and the fact that he has been in custody since 24.07.2015 I am inclined to grant him bail.

In the result, this application is allowed.

1. The petitioner will be released on bail on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2. He shall appear before the investigating officer between 10.am and 11.am every Wednesday till the conclusion of the investigation or five months whichever is earlier.

3. He shall not threaten or attempt to influence the witnesses, nor shall he while on bail, get himself involved in any criminal case; nor shall he destroy or attempt to destroy

the evidence or interfere with the investigation.

4. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

5. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

If the petitioner violates any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge