

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Bail Appl..No. 4911 of 2015 ()

OR. NO. 1/2015 OF BHOOTHATHANKETTU FOREST STATION, ERNAKULAM DIST.

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PETITIONER/2ND ACCUSED:

**K.Y. REJI, S/O.YOHANNAN, AGED 35 YEARS,
RESIDING AT KANIYANKUDIYIL HOUSE,
VADATTUPARA KARA, KUTTAMPUZHA VILLAGE,
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT,
PINCODE- 686 691.**

BY ADV. SRI.PEEYUS A.KOTTAM.

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN- 682 011,
REPRESENTED BY THE DEPUTY FOREST OFFICER,
BHOOTHATHANKETTU FOREST STATION,
(INVESTIGATING OFFICER IN OR. NO.1/2015,
BHOOTHATHANKETTU FOREST STATION).**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 4911 of 2015

Dated this the 17th day of August, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in O.R. No.1 of 2015 of Bhoothathankettu Forest Station. He is said to have committed the offences under Sections 27(1),(e)(iv) of Kerala Forest Act and Section 2(6)(a) 39, 9, 51 of Wildlife Protection Act, 1972.

3. The prosecution case is that he along with the co-accused was found in an autorikshaw with an unlicenced country made gun. Their intention was to trespass into reserve forest and hunt wild animals.

4. Heard.

5. Learned counsel submits that there is no allegation that the petitioner trespassed into reserve forest or even attempted to hunt wild animals. At best they can be said to have made preparations. He has been in custody since 11.07.2015. His

further detention is not necessary for completion of the investigation. So, I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

- 1)The petitioner will be released on bail on his executing a bond for 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) The petitioner shall appear before the investigating officer between 10 a.m and 11 a.m. every Wednesday for five month, or till the final report is filed, whichever is earlier.*
- 3)He shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 4)He shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 5)He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.*
- 6)He shall co-operate with investigation of the case.*

In case of violation of any of the above conditions, the

learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge