

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 5222 of 2015

CRIME NO.6/2015 OF PONGANAMKANDU FOREST STATION, THRISSUR DISTRICT

PETITIONER(S)/ACCUSED NO.9 :

**SALEEM M., AGED 32 YEARS,
S/O.THARUVEYI, MADATHIL HOUSE, PUNNASSERY P.O.,
NARIKUNI VIA, CALICUT.**

BY ADV. SRI.P.M.HABEEB

RESPONDENT(S) :

**STATE OF KERALA,
REPRESENTED BY FOREST OFFICER,
DIVISIONAL FOREST OFFICE,
PONGANAMKANDU FOREST OFFICE,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY SR.PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5222 of 2015

Dated this the 8th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the ninth accused in O.R. No.6 of 2015 of Ponganamkandu Forest Office registered for offences punishable under Sections 9, 39(a), 39(d), 48A, 49(B)(1)(a)(i), 51(1) read with Section 2(1), 2(2), 2(11), 2(14), 2(16), 2(31) and 2(33) of the Wild Life Protection Act, 1972.

3. Prosecution case, in short, is that on 23.07.2015, while the Excise Officers were conducting search, they found the first accused in a suspicious circumstance carrying a bag. Examination of the bag revealed that he was possessing a snake called Red Sand Boa. On questioning the first accused, the complicity of the petitioner is revealed.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that all other accused except this petitioner were released on bail by the learned Sessions Judge, Thrissur by a common order dated 17.08.2015. Learned Public Prosecutor submitted that the 12th accused in the case was released on bail under Section 439 of the Code of Criminal Procedure.

Considering the fact that the allegations against this petitioner are similar to that of other accused who are released on anticipatory bail by the learned Sessions Judge, following directions are made:

i. Petitioner shall appear before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in O.R. No.6 of 2015 of Ponganamkad Forest Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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