

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Bail Appl..No. 5225 of 2015

CRIME NO. 1/2015 OF IDAMALAYAR FOREST STATION OFFICE, ERNAKULAM

PETITIONER/38TH ACCUSED:

**K.G.KRISHNANKUTTY, AGED 80 YEARS,
S/O. GOVINDAN, RESIDING AT KOOVAPARA P.O., KUTTIANCHAL,
KOTHAMANGALM TALUK, ERNAKULAM DISTRICT,
PINCODE-686691.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT/STATE/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031,
REPRESENTED BY DEPUTY RANGE FOREST OFFICER,
EDAMALAYAR FOREST STATION (INVESTIGATING OFFICER IN OR
NO.1/15 OF EDAMALAYAR FOREST STATION).**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.5225 of 2015

Dated this the 11th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in O.R.No.1 of 2015 of Edamalayar Forest Station registered for offences punishable under Section 27(1)(e)(iv) of the Kerala Forest Act and Sections 2(16), 2(35), 2(36), 9, 39, 51 and 52 of Wild Life Protection Act, 1972. Petitioner is 38th accused in the crime.

3. Heard the learned counsel for the petitioner and the learned Additional Director General of Prosecution.

4. Learned counsel for the petitioner submitted that the petitioner is aged about 80 years and he is a blacksmith by profession. Learned Additional Director General of Prosecution submitted that the allegation against the petitioner is that he repaired unlicensed country guns which itself is an offence under the Arms Act. It is also submitted that the petitioner has manufactured a part of the gun which was allegedly used by the second accused for hunting down elephants. Learned counsel for the petitioner submitted that on hearing about his involvement in the crime, the petitioner attempted to commit suicide and he was taken to hospital. Annexure-A1 is the discharge card issued from the Mar Baselios Medical Mission Hospital, Kothamangalam showing that he had undergone

treatment for taking poison. Learned Additional Director General of Prosecution submitted that he is absconding thereafter.

Reckoning the entire matters, following directions are issued:

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.1 of 2015 of Edamalayar 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 in writing and co-operate with the investigation.

iv. Petitioner shall not influence or intimidate the witnesses. He shall not meddle in any manner with the investigation.

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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