

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Bail Appl..No. 5249 of 2015

CRIME NO. 3/2015 OF KARIMBANY FOREST STATION, ERNAKULAM DISTRICT

APPLICANT(S)/ACCUSED NO.12 :

**AJI BRITE, AGED 34 YEARS,
S/O.RAMACHANDRAN, GURUDEVA GRANDHASALA LANE,
ORUVATHILKOTTA BHAGOM, PETTA VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.VIPIN NARAYAN

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SRI.TOM JOSE PADINJARAKARA, ADDITIONAL D.G.P

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Bail Appl. No.5249 of 2015

Dated this the 4th day of September 2015

O R D E R

Petitioner filed under Sec.439 Cr.P.C.

2. Petitioner is the 12th accused in O.R. No.3 of 2015 of Karimbany Forest Station registered for the offences under Secs.9, 2(2), 2(16), 2(20), 2(36), 2(37), 39, 48(a), 49, 50, 51 and 57 of the Kerala Wild Life Protection Act. The prosecution case is that the petitioner along with the co-accused trespassed into a reserve forest, armed with guns and shot wild elephants with a view to remove the tusks. Other accused persons who are traders in tusks received it knowing that it was an illegal activity and committed the offences mentioned above.

3. The allegation against the petitioner is that he is a recipient of the trophy.

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

5. Learned counsel submitted that there is no overt act alleged against the petitioner. It is submitted on

behalf of the petitioner that the petitioner had been severally manhandled by the Senior Forest Officers and a case has been registered by the Museum Police as Crime No.1026 of 2015 for the offences punishable under Secs.323, 324 and 326 read with Sec.34 of the Indian Penal Code.

6. Learned Additional Director General of Prosecution opposed the bail application contending that the petitioner is a habitual trader and so many articles were recovered from his possession. The investigation has not been completed. The government is seriously considering about the handing over of the investigation to the CBI as the accused have interstate connections.

7. Considering the above fact, it is hereby directed that the investigating officer shall allow the petitioner to present himself in the office for complying with the bail conditions without any room for complaint.

Considering the stage of investigation, bail is granted to the petitioner with the following strict conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate Court, Kuruppampady.

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

iii. The learned Magistrate need not insist on solvency certificate but there must be sufficient documents to reveal the identity and solvency of the sureties.

iv. The petitioner shall report before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Mondays and Thursdays until final report is filed.

v. The petitioner shall surrender his passport if any before the learned Magistrate or if he does not have the one,

file an affidavit to that effect.

vi. The petitioner shall not intimidate or influence the witnesses nor shall he meddle with the investigation in any manner.

vii. The petitioner shall not leave the State of Kerala without obtaining permission from the learned Magistrate.

viii. The petitioners shall not involve in any other offence during the period of bail.

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

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge