

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. 5418 of 2015

OR.NO. 3/2015 OF KARIMPANY FOREST STATION, ERNAKULAM DISTRICT.
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APPLICANTS/ACCUSED 19 AND 22:

- 1. VIJAYAN, AGED 60 YEARS,
S/O.RAGHAVAN ACHARI,
PARAMESWARAM COLONY,
VENJARAMMOODU VILLAGE,
CHIRAYINKEEZHU TALUK.**
- 2. AMARSHAD, AGED 26 YEARS,
S/O.KARIM, ISHA NIVAS,
CHAKKAKALARI ROAD, PETTA VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.VIPIN NARAYAN

RESPONDENT/COMPLAINANT:

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

BY ADDL. DGP MR.TOM JOSE PADINJAREKARA

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

mbr/

A. HARIPRASAD, J.

Bail Appl. No.5418 of 2015

Dated this the 4th day of September 2015

O R D E R

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

2. Petitioners are accused nos.19 and 22 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 petitioners 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 petitioners is that they were found along with the 12th accused who is suspected to be the main culprit in the case.

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

Prosecution.

5. Learned counsel submitted that there is no overt act alleged against the petitioners.

6. Learned Additional Director General of Prosecution opposed the bail application contending that 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.

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

i. The petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each 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 petitioners 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 petitioners shall surrender their passports if any before the learned Magistrate or if they do not have the one, file affidavits to that effect.

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

vii. The petitioners 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