

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. 5472 of 2015 ()

OR. NO. 3/2015 OF KARIMBANI FOREST STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED NO. 23 & 24 :

1. LAKSHMANAN

AGED 57 YEARS, S/O. PADMANABHAN,
ARIKKAPPILLIYIL HOUSE, ARAKKUZHA KARA,
MARADI VILLAGE, MUVATTUPUZHA TALUK.

2. AMBIKA

AGED 53 YEARS, W/O. LAKSHMANAN,
ARIKKAPPILLIYIL HOUSE, ARAKKUZHA KARA
MARADI VILLAGE, MUVATTUPUZHA TALUK.

BY ADVS.SRI.M.B.SANDEEP

SMT.R.PRIYA

SRI.V.VISAL AJAYAN

SRI.B.SURJITH

SRI.ABHILASH JOSE

SMT.R.ANJANA

RESPONDENT/COMPLAINANT :

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR

HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

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

Mn

A.HARIPRASAD, J.

B.A.No.5472 of 2015

Dated this the 8th day of September, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.23 and 24 in O.R.No.3 of 2015 of Karimbani Forest Station registered for the offences punishable under Sections 27(1)(e)(iv) of Kerala Forest Act under Section 2(16), 2(35), 2(36), 9, 39, 51, 52 of Kerala Wild Life Protection Act.

3. It is alleged that the accused persons committed trespass, armed with deadly weapons like gun etc., into a Reserved Forest in Thundathil Forest Range of Malayattoor notified reserve. It is further alleged that they were not having any licence to hold or use the gun. Some of the accused hunted down wild elephants by using guns and extracted the tusks. Therefore, they committed the offences alleged against them.

4. Heard the learned counsel for the petitioners and learned Public Prosecutor.

5. It is submitted that other accused persons in the

same crime have been released on bail by this Court.

6. Considering the nature of allegations, I am inclined to grant bail to the petitioners with the following conditions:

- (a) The petitioners shall be released on bail on their executing a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to reveal their identity and solvency.
- (c) The court below need not insist on solvency certificates, but it is made clear that there must be clinching documents to reveal the identity of the sureties and their solvency.
- (d) The sureties shall be persons hailing from the State of Kerala.
- (e) The petitioners shall surrender their passport if any. If they do not have a passport, they

shall file an affidavit stating that fact.

- (f) The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (g) The petitioners shall not intimidate or attempt to influence the witnesses.
- (h) The petitioners shall not in any manner interfere or meddle with the investigation.
- (i) The petitioners shall not leave the limits of the State of Kerala without the permission of the lower court.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge