

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5521 of 2015 ()

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CRIME NO. 782/2015 OF AYYAMPUZHA POLICE STATION, ERNAKULAM DISTRICT.**

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PETITIONERS/ACCUSED NO.1 TO 3:

- 1. MADHU V.V., S/O. VISWAMBARAN, AGED 40 YEARS,
VATTOLIPARAMBU, MOTHIRAKANDI DESOM,
CHALAKKUDY, THRISSUR DISTRICT.**
- 2. SHAJI M.G., S/O. GEORGE, AGED 43 YEARS,
MALIEKKAL HOUSE, VETILAPPARA DESOM,
CHALAKKUDY, THRISSUR DISTRICT.**
- 3. LIBIN, S/O. BABY, AGED 26 YEARS,
THETTAYIL HOUSE, EDAKKUNNAM DESOM,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.C.A.CHACKO,
SMT.C.M.CHARISMA,
SMT.MEGHA K.XAVIER.**

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
AYYAMPUZHA POLICE STATION, ERNAKULAM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, ALONG WITH BA NO.5586 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. Nos.5521 and 5586 of 2015

Dated this the 23rd day of September 2015

ORDER

Petitions filed under Sec.438 Cr.P.C.

2. Petitioners/accused nos.1 to 3 in Crime No.783 of 2015 of Ayyampuzha Police station are the same as the accused in O.R. No.1 of 2015 of Ezhattumugham Forest Station, Athirappilly. The common allegation against the petitioners is that on 28.08.2015, they killed a sambar deer by using a firearm. Therefore, the Forest Officers registered O.R. No.1 of 2015 against the petitioners under Secs.9, 39 and 51 of the Wild Life (Protection) Act and Sec.27(1)(e)(iv) of the Kerala Forest Act. The Police also registered a case against them in respect of the same incident under Sec.25(1)(a) of the Arms Act and Sec.9B and 1(b) of the Explosive Substances Act.

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

4. Learned counsel for the petitioners

submitted that the petitioners are the watchmen in a nearby plantation and they are not connected with the crime. Further, the petitioners cannot be implicated in two crimes in respect of one alleged transaction.

5. Learned Public Prosecutor contended that the Forest Officers cannot deal with the provisions under the Arms Act and Explosive Substances Act. Therefore, the Police have registered the case. The identity of the petitioners have been revealed is the contention of the prosecution.

Considering the nature of allegations, following directions are issued.

The petitioners shall surrender before the investigating officer in Crime No.783 of 2015 of Ayyampuzha Police station within a period of two weeks and submit themselves for interrogation. Thereafter, the investigating officer shall produce the petitioners before the learned Magistrate having jurisdiction. The petitioners are free to move for bail before the

learned Magistrate and in that event, the
learned Magistrate may consider the application
on merits.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge