

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 5572 of 2015 ()

**CRIME NO. 5/2014 OF KOLLENGODE FOREST RANGE OFFICE,
PALAKKAD DISTRICT**

PETITIONER/ACCUSED :

**RAHEEM, AGED 38 YEARS,
S/O.ALI, MADAVANA HOUSE, CHOWARA VILLAGE,
SREEMOOLANAGARAM KARA, ALUVA TALUK,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SIRAJ KAROLY
SRI.R.PARAMESWARA IYER**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTING THE FOREST RANGE OFFICER,
KOLLAMKODE RANGE, PALAKKAD PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.**

RBY PUBLIC PROSECUTOR SRI. ABHIJET LESSLIE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5572 of 2015

Dated this the 30th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner herein is the 4th accused in O.R.No.5/2014 of Kollamkode Forest Station. The said crime has been registered for the offence punishable under S.27(1) (d) & (e) (iii) & (iv) 47A, 47B, 47C, 47F, 47G and under S.52 & 61A of Kerala Forest Act, 1961 as amended.

3. The prosecution allegation is that the petitioner along with the other accused were found transporting 12 kgs of sandal wood on 26.08.2014 and thus committed the offence.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner has submitted that the allegations levelled against him are false and fabricated. It was pointed out that the crime was registered as early as on 26.08.2014 and there is absolutely no need for custodial interrogation. It is also contended that the items of sandal wood seized from the possession of the petitioner are from private property and hence the offence under the Forest Act will not be attracted.

6. On the other hand, the learned Public Prosecutor, on instructions, has submitted that the allegations levelled against the petitioner are very serious and the materials on record reveals the complicity of the petitioner.

7. In the facts and circumstances, I am of the

considered view that he is not entitled to the extraordinary relief of pre-arrest bail under S.438 of the Code of Criminal Procedure.

The application is accordingly dismissed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge