

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. 5749 of 2015

**OR.NO. 2/2015 OF EVERGREEN FOREST STATION, MULAMKUZY,
ERNAKULAM DISTRICT.**
.....

APPLICANTS/ACCUSED NO. 1 TO 3:

1. THOMAS @ RUBBER THOMAS,
AGED 55 YEARS, S/O KOCHAPPU,
THEKKILAKADAN HOUSE,
MALAYATTOOR VILLAGE, ALUVA TALUK.
2. POULOSE, AGED 65 YEARS,
S/O. PAPPU, KOILAPARAMBIL HOUSE,
MANAPPATTUCHIRA,
MALAYATTOOR VILLAGE, ALUVA TALUK.
3. ANTO, AGED 50 YEARS, S/O. DEVASSY,
CHAKKISSERY HOUSE, MALAYATTOOR VILLAGE,
ALUVA TALUK.

BY ADV. SRI.THOMAS J.ANACKALLUNKAL

RESPONDENT/CMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE DEPUTY RANGE FOREST OFFICER,
EVERGREEN FOREST STATION,
MULAMKUZHY THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SENIOR PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5749 of 2015

Dated this the 23rd day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in O.R No.2/2015 of Evergreen Forest Station registered for offences punishable under Section 9 r/w 2(16), 2(35), 2(36), 39, 50, 51, 57 of Wildlife Protection Act 1972 and 27 1 e(iv) of Kerala Forest Act, 1961.

3. Prosecution case, in short, is that the accused Nos.1 to 3 trespassed into the Malayattoor Notified Reserve Forest with an intention to hunt wild animals. They used country made guns. They shot down a bear and thereby committed the aforementioned offences.

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

5. Learned counsel for the petitioners submitted that the petitioner was arrested on 29-07-2015 and he is in custody since

then. Learned Public Prosecutor opposed the bail application. The investigation has advanced to a considerable extent. Having regard to the entire facts and circumstances, I find that bail can be granted to the petitioners 1 to 3 with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m

until final report is filed.

4. The petitioners shall not indulge in any offence while on bail.
6. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

P.A to Judge

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