

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Bail Appl..No. 5810 of 2015

AGAINST THE ORDER/JUDGMENT IN CRMP 3506/2014 OF SESSIONS COURT,
PALAKKAD

AGAINST THE ORDER/JUDGMENT IN Bail Appl. 8576/2014 of HIGH COURT OF KERALA

O.R NO. 29/2014 OF OMMALA FOREST STATION OFFICE , PALAKKAD

PETITIONER/ACCUSED:

JAYASINGH, AGED 36 YEARS,
S/O. ASOKAN, MANGADANKANDIYIL, MOOCHIKADAVU
AGALI, MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY ADVS. SRI.T.G.RAJENDRAN
SRI.T.R.TARIN
SMT ANN SUSAN GEORGE
SRI.V.A.VINOD

RESPONDENTS/COMPLAINANT AND STATE:

1. DEPUTY FOREST RANGE OFFICER,
OMMALA FOREST STATION, PALAKKAD - 678 001.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031

R2 BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH
R1 BY SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER FOR FOREST

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-11-2015,
ALONG WITH BA. 5812/2015, BA. 5814/2015, BA. 5821/2015, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

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K.ABRAHAM MATHEW J.

B.A.Nos. 5810, 5812, 5814 & 5821 of 2015

Dated this the 16th day of November, 2015

COMMON ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in the above cases registered for the offences under Sections 27(1)(e)(iii)(iv), 47 C(1), 47G(1) of the Kerala Forest Act. The allegation is that he purchased pieces of sandal wood of the trees of which had been cut down and removed from a reserve forest.

3. Heard.

4. This is the second application filed by the petitioner in both cases. It is settled law that unless there is a development subsequent to the disposal of the earlier application second bail application for the same purpose is not maintainable. The subsequent development pleaded by the petitioner is this: "After dismissal till date no steps were taken to apprehend the petitioner. Moreover, the submission alleged to have been recorded by the officer is not admissible because he has not an authorised officer as per Section 72 of the Kerala Forest Act".

5. The fact that the petitioner has not been arrested after the dismissal of the earlier application does not entitle him to get anticipatory bail. It is not a subsequent development for the purpose of second bail application.

6.The submission that the investigating officer is not an authorised officer under Section 72 of the Kerala Forest Act cannot be accepted in view of the decision of this court in **Kunhali and others v. Forest Range Officer (2012 (2) KLJ 124)**.

7. The offences alleged to have been committed by the petitioner are very serious in nature. In any view of the matter the applications cannot be allowed.

In the result, these applications are dismissed. The learned counsel submits that the petitioner will surrender before the investigating officer. He may do so if he is so advised.

Sd/-
K.ABRAHAM MATHEW
JUDGE

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/True copy/

P.S.to Judge