

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937**

**Bail Appl..No. 5904 of 2015**  
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**CRIME NO. 4/2015 OF SOUTH KUMARAMPEROOR SOUTH FOREST STATION ,  
PATHANAMTHITTA DISTRICT**  
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**PETITIONER(S)/ACCUSED 2 & 4 :**  
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- 1. ALI, AGED 45 YEARS,  
S/O.ABDUL KHADER, EETTIMOOTTIL PUTHEN VEEDU,  
KUMMANNUR, PATHANAPURAM VILLAGE, PATHANAPURAM TALUK.**
- 2. YUSUF, AGED 32 YEARS,  
S/O.ISMAIL, EETTIMOOTTIL VEEDU, KUMMANNUR,  
IRAVAN VILLAGE, KONNI TALUK.**

**BY ADV. SRI.D.AJITHKUMAR**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**A.HARIPRASAD, J.**

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**B.A.No.5904 of 2015**  
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Dated this the 28<sup>th</sup> day of September, 2015

**O R D E R**

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

2. Petitioners are accused Nos.2 and 4 in O.R. No.4 of 2015 of South Kumaramperoor Forest Station registered for the offences punishable under Sections 2 (16), 2(20), 2(35), 2 (36), 39, 50 & 51 r/w Section 9 of the Wild Life (Protection) Act and 27(i) (e) (iv) of the Kerala Forest Act.

3. Prosecution case is that on 01.09.2015 at about 08.00 p.m., the accused persons were unauthorizedly entered into the Government Reserve Forest at Kummannoor area and killed a Mlav (elk) with a country gun and shared its meat. The petitioners were arrested on 02.09.2015.

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

5. Considering the nature of offence and the stage

of investigation, 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 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.
- (c) 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.
- (d) The petitioners shall not intimidate or attempt to influence the witnesses.

- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioners shall not, during the period of this bail get involved in any offence.

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.

Sd/-  
**A.HARIPRASAD, JUDGE.**

AS

/True Copy/

P.A. to Judge