

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Bail Appl..No. 5919 of 2015 ()

AGAINST THE ORDER IN CRMP 2344/2015 of D.C & SESSIONS COURT, PALAKKAD

DATED 07.09.2015

O.R. NO. 5/2014 OF KOLLENGODE FOREST RANGE OFFICE , PALAKKAD

APPLICANT/ ACCUSED NO.2:

SAMEER, AGED 27 YEARS
S/O.MANU, MOTHIRAPEEDIKA HOUSE, AATTASSERI
KARIMBUZHA.

BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

AV

A.HARIPRASAD, J.

B.A.No.5919 of 2015

Dated this the 7th day of October, 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the second accused in O.R.No.5 of 2014 of Kollengode Forest Range. He along with other accused charged with offences under Sections 27(1)(d)(e) (III), (IV) 47A, 47B, 47C and 47F, 47G and under sections 52 and 61A of the Kerala Forest Act, 1961 as amended in 2010.

3. The prosecution case is that, on 26.8.2014 the first accused in the case along with co-accused including the applicant, tried to cut and remove sandal wood from a reserved forest.

4. Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor.

5. The learned Senior Counsel for the petitioner submitted that the prosecution has no case that the sandal wood was cut and removed from a reserved forest. Therefore, the offence under section 27 of the Forest Act is not applicable.

6. The learned Public Prosecutor contended that the trees involved were cut and removed from private property is the fact

revealed from the materials in the case dairy. It is also submitted that, the fourth accused moved this Court for anticipatory bail as Bail Application No.7012 of 2014, which was disposed of by this Court on 08.10.2014 directing him to surrender before the investigating officer and co-operate with the investigation. The same direction can be issued in this case also.

Therefore, the petitioner shall surrender before the investigating officer within two weeks. After questioning, the investigating officer shall produce him before the Magistrate having jurisdiction, on the date of surrender itself. The petitioner is free to move for bail before the Magistrate and in that event, the learned Magistrate shall consider the matter on merit as expeditiously as possible, if possible on the date of surrender itself.

Sd/-

A.HARIPRASAD, JUDGE

AV

/True Copy/

P.A. to Judge