

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 5939 of 2015 ()

(CRIME NO.5/2015 OF MUPLIYAM FOREST RANGE)

PETITIONER/1ST ACCUSED:

**JOY, S/O.ANTHONY,
PUTHUSSERY HOUSE, VELLIKULANGARA VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.T.N.MANOJ

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE FOREST RANGE OFFICER
MUPLIYAM FOREST RANGE THROUGH THE PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA.**

BY SR PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A. HARIPRASAD, J.

Bail Appl. No.5939 of 2015

Dated this the 12th day of October 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.5 of 2015 of Mupliyam Forest Range registered for the offence punishable under Sec.27(1)(e)(iii)(iv) read with Sec.47 of the Kerala Forest Act. Accused was arrested on 19.08.2015 for cutting and removal of sandal wood trees from Mullathkulangara teak plantation. The incident was happened on 18.08.2015.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that although the petitioner is involved in other cases, in all cases, he is on bail.

5. Learned Public Prosecutor opposed the bail application contending that the petitioner is involved in two NDPS cases wherein, the allegation is that he had

trespassed into the reserve forest and cultivated ganja. In one case, he has been convicted. Against which, an appeal is pending before this Court. In the other case, final report has been filed.

Considering the antecedents of the petitioner, I am not inclined to grant bail to the petitioner in this case. The investigation is not over. In case the investigation is not over within the time prescribed under Sec.167 Cr.P.C., the petitioner may move the learned Magistrate for statutory bail as that is his indefeasible right.

The bail application is dismissed with the above observations.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/12/10/2015

P.A. To Judge