

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5975 of 2015 ()

OR. NO. 2/2015 OF EDAMALAYAR FOREST STATION, ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED :

1. RAVI, AGED 64 YEARS,S/O.KOCHUKRISHNAN,
CHENTHIYILMUDAMBIL HOUSE,
CHAKKA BHAGAM, TRIVANDRUM.
2. WILLAM SILVA, AGED 54 YEARS,
DREAMLAND, PETTAH VILLAGE, TRIVANDRUM.
3. K.SURESH KUMAR, AGED 48 YEARS,
S/O. KRISHNAN, PUTHAN VEETIL, SAMKHUMUGHAM BHAGAM,
KADAKAMPILLY VILLAGE, THIRUVANANTHAPURAM TALUK.
4. SUNIL, AGED 43 YEARS,
S/O.BHASKARAN, THONDIVALAKATH HOUSE, PUTHAN ROAD,
PETTA VILLAGE, THIRUVANANTHAPURAM TALUK.

BY ADV. SRI.P.M.HABEEB

RESPONDENT :

STATE OF KERALA,
REP. BY DEPUTY RANGE FOREST OFFICER,
EDAMALAYAR FOREST STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031

BY ADDL.DGP. SRI.TOM JOSE PADINJARAKARA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-10-2015,ALONG WITH BA.NO.5968/2015 AND BA.NO.5936/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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A. HARIPRASAD, J.

**Bail Appl. Nos.5936, 5968
and 5975 of 2015**

Dated this the 1st day of October 2015

O R D E R

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

2. Petitioners are accused in O.R. No.2 of 2015 of Edamalayar Forest Station registered for the offences punishable under Secs.27(1)(e),(iv) of the Kerala Forest Act and Secs.2(16), 2(35), 2(36), 9, 39, 51 and 52 of the Kerala Wildlife Protection Act. The petitioners are accused no.11 in B.A. No.5936 of 2015, accused no.10 in B.A. No.5968 of 2015 and accused nos.8,9,18 and 19 in B.A. No.5975 of 2015 respectively. The prosecution case is that the petitioners along with other accused committed trespass into a reserve forest unlawfully armed with unlicensed country gun and hunted wild elephants. Thereafter they extracted tusks for commercial purpose. The petitioners are involved in O.R. No.1 of 2015 of Edamalayar Forest Station and they were arrested in that crime earlier. Later, they were formally arrested in this case and they are in remand now.

3. Heard the learned counsel for the petitioners and the learned Additional Director General of Prosecution.

4. Learned Additional Director General of Prosecution opposed the bail application raising two fold contentions. Firstly, the Government has decided to hand over the investigation of this case to the CBI reckoning the inter-state connection of the accused persons and traffic of trophy involved in the crime. Government notification bearing G.O.(Ms) No.203/2015/Home dated 14th September 2015 is produced for perusal. It is therefore contended by the learned Additional Director General of Prosecution that the presence of the accused for further investigation by the CBI has to be ensured. That apart, their chance of fleeing from justice and meddling with the witnesses should be ruled out. Admittedly, in all these cases the formal arrest of the accused persons were beyond 15 days and therefore, there is no scope for detaining them in Police custody over and again in this case. The accused persons are on

bail on O.R. No.1 of 2015 of the same forest station .

Reckoning the entire facts and circumstances of the case and the stage of investigation, bail is granted to the petitioners with the following conditions.

i. The petitioners shall be released on bail on their executing a bond for Rs.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.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday and Thursday until final report is filed.

iv. The petitioners shall not leave the State of Kerala without obtaining permission

from the learned Magistrate having jurisdiction.

v. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

vi. The petitioners shall not involve in any other offence during the period of bail.

vii. Since the accused persons are in custody in other crimes, the bail conditions will become operative only on enlargement of the accused in the other cases.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /