

**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. 6024 of 2015**  
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**ORDER DATED 16-09-2015 IN CMP 1044/2015 OF JUDICIAL FIRST CLASS MAGISTRATE  
COURT - II, KOTHAMANGALAM  
OR. NO. 2/2015 OF EDAMALAYAR FOREST STATION OFFICE, ERNAKULAM**  
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**APPLICANT/ACCUSED NO.12:**  
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**AJI BRITE, AGED 34 YEARS,  
S/O.RAMACHANDRAN, GURUDEVA GRANDHASALA LANE,  
ORUVATHILKOTTA BHAGOM, PETTA VILLAGE,  
THIRUVANANTHAPURAM.**

**BY ADV. SRI.VIPIN NARAYAN**

**RESPONDENT(S)/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**BY SRI.TOM JOSE PADINJAREKARA, ADDITIONAL DGP.**

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

**msv/**

**A.HARIPRASAD, J.**

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**B.A No.6024 of 2015**

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**Dated this the 7<sup>th</sup> day of October, 2015.**

**ORDER**

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the 12<sup>th</sup> accused in O.R No.2/2015 of Edamalayar Forest Range registered for offences punishable under Sections 27 I,e(IV) of Kerala Forest Act, 1961 and Sections 2(16), 2(35), 2(36), 9, 39, 51 and 52 of the Wildlife Protection Act, 1972.

3. Prosecution case, in short, is that accused Nos.1 to 27 hatched criminal conspiracy and in prosecution of their common object armed with country gun and other deadly weapons unlawfully trespassed into the reserve forest and hunted wild elephants and took away their tusks. The tusks were later sold to various persons and made unlawful gain.

4. Heard the learned counsel for the petitioner and the learned Additional Director General of Prosecution.

5. It is submitted by the learned Additional Director

General of Prosecution that the petitioner is involved in 14 cases altogether. All the cases are of a similar nature. Learned counsel for the petitioner submitted that in two cases, he was released on bail by this Court after detaining in custody for a long time. In five cases he got bail from the trial court itself. Learned Additional Director General of Prosecution opposed the bail application contending that there are serious allegations against him and he is a trader in ivory. His chance of fleeing from justice and involving in similar crimes cannot be ruled out. He was arrested on 08-09-2015 and he is in custody since then. Considering the stage of investigation, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The sureties shall be permanent residents of State

of Kerala.

3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall surrender his passport, if any. If he does not have a passport, he shall file an affidavit stating that fact before the learned Magistrate having jurisdiction.
5. The petitioner shall not indulge in any offence while on bail.
6. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

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

**//True copy//**

**P.A to Judge**