

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 6408 of 2015 ()

CMP 1133/2015 of JUDICIAL FIRST CLASS MAGIST. COURT-II, KOTHAMANGALAM
(TEMPORARY)

O.R. 1/2015 OF EDAMALAYAR FOREST STATION OFFICE, ERNAKULAM

PETITIONER/ACCUSED NOS.48:

MINI , AGED 42 YEARS
W/O D.RAJAN, MOONAM MANAKKAL, KIZHAKKEKKATTIL HOUSE
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE DEPUTY RANGE FOREST OFFICER
EDAMALAYAR FOREST STATION
(OR NO.1/15) REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.TOM JOSE PADINJAREKKARA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

B.A.No.6408 of 2015

Dated this the 19th day of October 2015

O R D E R

The petitioner is the 48th accused in O.R. No.1 of 2015 of Edamalayar Forest Station registered under Sections 39, 49(B), 50, 51 and 52 of Wild Life Protection Act.

2. The prosecution allegation is that some of the accused trespassed into the Government Reserved forest of Malayattoor Division and killed several elephants using country gun, for which there was no licence and permission. They sold the tusks to some other accused for

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making sculptures and handed over the same outside the state and outside the country. The petitioner was arrested on 26.9.2015 and ever since he has been in custody.

3. Heard.

4. It appears that the petitioner is the wife of one of the accused who was involved in the trading of the tusk of elephants. It appears from the Case Diary that the petitioner was also aware of the involvement of her husband in the above said business. Some of the transactions were through her account. It has been submitted at the Bar that some of the accused had already been released on bail. The petitioner is a lady aged 42 years. Considering the facts and circumstances of the case, I am of the view that further detention of the petitioner is

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not necessary for the progress of investigation of the case.

In the result, this application stands allowed and the petitioner shall be enlarged on bail on condition of the petitioner executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties, each for the like sum to the satisfaction of the court of the Judicial Magistrate of First Class-II, Kothamangalam and subject to the following further conditions:

(i) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on every Tuesday until the final report is filed.

(ii) The petitioner shall produce her passport before the Court before executing the bail bond or file an affidavit, if she has no passport.

(iii) The petitioner shall not leave the State of Kerala, except with the leave of the learned

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Magistrate until further orders.

(iv) The petitioner shall not get involved in any other offence while on bail.

(v) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

I make it clear that if the petitioner violates any of the conditions, the learned Magistrate shall be at liberty to proceed against the petitioner to cancel the bail in accordance with law, without any reference to this Court, as held by the Apex Court in **P.K.Shaji v. State of Kerala** [AIR 2006 (SC) 100]. sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA to Judge