

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6596 of 2015 ()

CRIME NO. 1411/2015 OF KONNY POLICE STATION, PATHANAMTHITTA DISTRICT.

PETITIONERS/ACCUSED 2 AND 4:

- 1. ALI, AGED 45 YEARS,
S/O.ABDUL KHADER, EETTIMOOTTIL PUTHEN VEEDU,
KUMMANNUR, KONNI, PATHANAPURAM VILLAGE,
PATHANAPURAM TALUK.**
- 2. YUSUF, AGED 32 YEARS,
S/O.ISMAIL, EETTIMOOTTIL VEEDU,
KUMMANNUR, IRAVAN VILLAGE, KONNI TALUK.**

BY ADV. SRI.D.AJITHKUMAR.

RESPONDENT/COMPLAINANT/STATE:

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

BY SR. PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6596 of 2015

Dated this the 30th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 2 and 4 in Crime No.1411 of 2014 of Konny Police Station registered for offences punishable under Section 3 read with Section 25(1) of the Arms Act and Section 34 of the Indian Penal Code seek pre-arrest bail.

3. It is the allegation that the first accused hunted a sambar deer by using a country made gun. After that the body of the deer was taken to the house of the second accused, who is the brother of the first accused, from there the meat was shared. Since the Forest Officers cannot investigate the crime involving Arms Act, the matter has been transferred to Police. Petitioners were arrested by the Forest Officers and they were enlarged on bail after 30 days.

4. Heard both sides.

After hearing learned counsel and considering the facts, I am inclined to grant pre-arrest bail to the petitioners with following conditions:

i. In the event of arrest in Crime No.1411 of 2015 of the Konny Police Station, petitioners shall be released on bail on each one of them executing a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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