

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6620 of 2015 ()

OR NO. 8/2015 OF NACHIVAYAL FOREST STATION, IDUKKI DISTRICT

PETITIONER/ACCUSED 1-2 :

1. ELDHOSE I.Y., AGED 49 YEARS,
S/O. YOHANNAN, RESIDING AT IYNIVEETIL HOUSE,
VALARA P.O., ADIMALY, IDUKKI DISTRICT
PINCODE-685561.
2. KARUPPUSWAMI, AGED 50 YEARS,
S/O. E.PALANI, DOOR NO. 602, PALLANADU
MUNNAR, DEVIKULAM, IDUKKI DISTRICT
PINCODE-685561.
3. PALANI, AGED 45 YEARS,
S/O. PERUMAL, DOOR NO. 233, PALLANADU,
MUNNAR, DEVIKULAM, IDUKKI DISTRICT
PINCODE-685561.
4. THANKAPPANDI, AGED 55 YEARS,
S/O. SETHU, CHINNA VARA, PALLANADU
DEVIKULAM, IDUKKI DISTRICT, PINCODE-685561.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS/STATE :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031.**

BY SENIOR PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.6620 of 2015

Dated this the 3rd day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are the accused in O.R. No.8 of 2015 of Nachivayal Forest Station, Idukki District registered for the offences punishable under Secs.27(i)(e) (ii)(iii) and (iv) and Sec.62 of the Kerala Forest Act, 1961. Prosecution case in short is that, the accused persons trespassed into the forest area and demolished the boundary wall and thereby committed the said offences.

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

4. Learned counsel for the petitioners submitted that the 1st petitioner is a contractor who responded to a tender invited by the Marayur Grama Panchayath for making a water channel. Pursuant to the work order, he commenced the work. The other petitioners are his employees. After commencement of the work, the forest officers informed that the area is part

of vested forest. Then and there, the petitioners stopped the work.

5. Learned Public Prosecutor submitted that the act of the construction activities undertaken by the petitioners caused destruction of a boundary wall causing loss to the tune of Rs.45,000/- (Rupees forty five thousand only).

6. The case of the petitioners is that they have never trespassed into the forest and they were only executing the work entrusted to them by the Grama Panchayath.

Considering the nature of allegations, I am of the view that custodial interrogation of the petitioners is not necessary for effective investigation. Hence, the following directions are issued.

1. In the event of arrest in O.R. No.8 of 2015 of Nachivayal Forest Station, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties

each for the like sum to the satisfaction of the investigating officer.

2. The petitioners appear before the Investigating Officer for interrogation as and when directed by him in writing.

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

4. The petitioners shall co-operate with investigation of the case.

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 /