

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 6890 of 2015 ()

OR.NO.6/2015 OF KOLLENGODE FOREST RANGE, PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**V.KUNCHUVELAN,
S/O.LATE VELAYUDHAN, AGED 87 YEARS,
CHAPPAKKAD, P.O.GOVINDAPURAM,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.BINOY VASUDEVAN**

RESPONDENT(S)/STATE:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. THE FOREST RANGE OFFICER,
KOLLENGODE POLICE STATION,
PALAKKAD DISTRICT-678 101**

**BY SPL.PUBLIC PROSECUTOR(FOREST) SRI.M.P.MADHAVANKUTTY
BY SR PUBLIC PROSECUTOR SRI.SHIBU JOSEPH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A.No.6890 of 2015

Dated this the 23rd day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in O.R.No.06 of 2015 of Kollengode Forest Range registered for the offences punishable under Sections 27(1)(e)(i), (iii) & (iv) of the Forest Act. Petitioner is the first accused in this crime.

3. Prosecution case is that the petitioner and other accused persons trespassed into forest area and planted mango saplings in violation of the law.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. Per contra, the learned counsel for the petitioner submitted that there is a dispute between forest department and the petitioner under the provisions of the Kerala Private Forest (Vesting and Assignment) Act, 1971. The original applications filed before the Forest Tribunal,

which went against the petitioner, had been taken in appeal in this Court and pending in M.F.A.Nos.11 of 2006 and 13 of 2006. The petitioner would contend that he is an 87 year old person. He has not trespassed into any Vested Forest and did any offence.

6. Considering the facts and circumstances and the nature of allegations, the following directions are issued:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer as and when directed for the purpose of interrogation.

- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge