

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7073 of 2015 ()

CRIME NO. 3/2014 OF KANTHALOOR FOREST STATION, IDUKKI DISTRICT

PETITIONER/8TH ACCUSED :

**KRISHNAN, S/O.MADASAMI, AGED 36 YEARS,
PALLANAD TRIBAN COLONY, MARAYOOR P.O.,
DEVIKULAM TALUK.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A No.7073 of 2015

Dated this the 17th day of November, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the 8th accused in O.R No.3 of 2014 of Kanthaloor Forest Station registered for offences punishable under Sections 27(i)(iii) & (iv), 27(i)d, 47C, 47G of the Kerala Forest Act, 1961 (Amendment Act 1993).

3. Prosecution case, in short, is that the accused along with other persons trespassed into the Karayur sandal reserve forest and cut and removed two sandal wood trees.

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

5. Learned counsel for the petitioner submitted that the petitioner is a tribal and he used to work for many persons. Learned Public Prosecutor opposed the bail application. He submitted that confession statements of other accused recorded by the forest officials clearly indicated the role played by the petitioner. Considering the nature of allegations, I am not entitled to grant

pre-arrest bail to the petitioner. Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of two weeks from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

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

//True copy//

P.A to Judge

amk