

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. 7163 of 2015

**CRIME NO. 23/2015 OF TALIPARAMBA FOREST RANGE OFFICE ,
KANNUR DISTRICT**

PETITIONER(S)/ACCUSED NO.1,2:

- 1. SHARAFUDHEEN AGED 34 YEARS
S/O.ABDULLA, MADALAN HOUSE, KUTTOOR AMSOM
PERUVAMBA, OLAYAMBADI P.O, TALIPARAMBA TALUK
KANNUR DISTRICT.**
- 2. SREEJITH K. AGED 28 YEARS
S/O.KUNHIRAMAN, PERINTHATTA P.O, PERINGOME AMSOM
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, THROUGH FOREST RANGE OFFICER
TALIPARAMBA FOREST RANGE, KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

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

Msd.

A.HARIPRASAD, J.

B.A. No.7163 of 2015

Dated this the 23rd day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in O.R. No.23 of 2015 of Taliparamba Forest Range Office. They are charged for offences punishable under Sections 47A, 47B, 47C, 47F, 47G, 47H, 52 and 61A of the Kerala Forest Act. They seek bail.

3. Prosecution case is that on 12.10.2015, the accused persons were found possessing and carrying four kilograms of sandal wood on a scooter and thereby committed the offences.

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

5. Learned Prosecutor opposed the application contending that the first petitioner is involved in three other cases, though the second petitioner is not involved in any other case.

6. Learned counsel for the petitioners submitted that as per his instruction, first petitioner is involved in one case only, which is stayed by this Court in a proceedings under Section 482 of the Code of Criminal Procedure.

Considering the fact that the petitioners remain in custody from 12.10.2015 onwards, bail is granted to them with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need 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 on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

vi. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

cks