

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7177 of 2015 ()

OR.NO.14/2015 OF KOTTYOOR RANGE, KANNUR DISTRICT

PETITIONER/ACCUSED :

**SEBASTIAN V.C., AGED 48 YEARS,
S/O.CHAKOI, R/AT VEMPENIKKAL HOUSE,
KEEZHIPALLI P.O., KANNUR DISTRICT.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.7177 of 2015

Dated this the 3rd day of December, 2015

O R D E R

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

2. Petitioner is the accused in O.R.No.14 of 2015 of Kottiyor Range registered for the offences punishable under Sections 2(16), 2(26), 2(32), 9, 21(1),(c)(IV), 39, 49, 50, 51, 52 and 57 of Wild Animal Protection Act, 1972.

3. Prosecution case is that on 31.10.2015 during night the accused persons in crime trespassed into a forest and shot two mouse deer. From the place of occurrence the second accused was arrested. On his confession, the investigation proceeded and identity of other accused were revealed. Parts of gun, two knives and torches were recovered from the place of detection.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that as per confession relied on by the prosecution one Baby brought a gun and it was used for shotting down mouse deer. Petitioner has no name as Baby is the

contention.

6. Learned Public Prosecutor strongly opposed this submission. He contended that in O.R.No.11 of 2004, the petitioner was involved and he was convicted. The judgment in that case revealed the identity of the petitioner as Sebastian @ Baby, S/o.Chako. In O.R.No.3 of 2008, the petitioner had given a statement showing his name as Sebastian @ Baby, S/o.Chako. According to the prosecutor, the same person is involved in this case also.

7. Learned counsel for the petitioner further contended on the basis of Annexure-A1 that he had surrendered his gun prior to the Panchayath Elections. According to him, it was surrendered in the Month of October. But, at Annexure-A1 does not reveal any date.

8. Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner.

The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. The Investigating Officer

shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits, if possible on the date of surrender itself.

If the petitioner does not comply with the direction, the Investigating Officer is free to arrest him.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge