

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7274 of 2015 ()

OR NO.3/2015 OF KALIYAR FOREST RANGE OFFICE, IDUKKI DISTRICT

PETITIONER/ACCUSED :

**MAKKAR K.P. @ ILLYAS
S/O.PAREETH, AGED 41 YEARS
RESIDING KUNNUMPURATH HOUSE
VANNAPURAM VILLAGE, THODUPUZHA TALUK.**

BY ADV. SRI.PEEYUS A. KOTTAM

RESPONDENT/STATE/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN - 682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.7274 of 2015

Dated this the 8th day of December 2015

O R D E R

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

2. Petitioner is the 1st accused in O.R. No.3 of 2015 of Kaliyar Forest Range registered for the offences punishable under Secs.27(1)(e)(iii) and (iv) of the Kerala Forest Act. Prosecution allegation is that, on 02.10.2015, the petitioner along with other accused had stolen a teak tree fallen in the forest and it was transported in a vehicle. Later, it was taken to a sawmill and cut into pieces.

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

4. Learned counsel for the petitioner submitted that the petitioner has purchased the teak as per Annexure-A1 in the year 2010. Due to financial stringency, construction of the house could not be completed.

5. Learned Public Prosecutor opposed the bail

application.

6. Materials in the case diary, especially the confessions of the co-accused clearly show that the petitioner was involved in the incident. Although, the timber was recovered, the implements used for sawing could not be recovered is the prosecution allegation.

Considering the nature of allegations, 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. After questioning, the Investigating Officer shall produce the petitioner 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 surrender before the
investigating officer as directed, the
investigating officer is free to arrest him after
the stipulated period.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/08/12/2015

P.A. To Judge