

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937Q

Bail Appl..No. 7284 of 2015

OR.NO. 5/2015 OF KOLLENGODE FOREST RANGE, PALAKKAD DISTRICT.
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PETITIONER/ACCUSED:

**VIJAYAN, AGED 37 YEARS,
S/O. THEYYAN (LATE), VARIYATHKALAM,
KARIPPODE, CHITTUR TALUK.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7284 of 2015

Dated this the 30th day of November, 2015

ORDER

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

2. Petitioner is the accused in O.R No.5 of 2015 of Kollengode Forest Range registered for offences punishable under Sections 2 (1), (2), (11), (14), (16), (20), (33), (35), (36) and (37) and Sections 9, 39, 50 and 51 of the Wild Life Protection Act, 1972.

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

4. Prosecution case, in short, is that on prior information, Officers of Nelliampathy Flying Squad attached to Kollengode Forest Station conducted a search in petitioner's house and seized cooked meat of Indian Porcupine found in an aluminium vessel. The detection was on 21-10-2015.

5. Learned counsel for the petitioner submitted that petitioner was not present at the time when the alleged detection was made. His brother-in-law, his sister and family were residing in the

house at that time. It is also submitted that the petitioner has gone to Thiruvananthapuram in connection with a meeting of an Association in which he functioned as Joint Secretary. However, there is no material to accept this contention.

6. Learned Public Prosecutor opposed the bail application. According to him, recovery was effected from the house of the petitioner. Considering the nature of allegations, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, he shall be released on bail on executing a bond for Rs.25,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties

are solvent or not.

- 3 The petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

amk

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

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P.A to Judge