

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 7326 of 2014 ()

(O.R. NO. 2/2014 OF MURINJAPUZHA FOREST STATION, IDUKKI DISTRICT)

PETITIONER/3RD ACCUSED:

**SUNNY P.P, AGED 40 YEARS,
S/O PAILO, PADANNAMATHAN, KANAYANKAVAYAL KARA,
PERUVANTHANAM VILLAGE, IDUKKI DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI. K.S. PRAVEEN
SRI.K.K.AKHIL**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
RERPESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING FOREST RANGE OFFICER,
MURINJAPUZHA FOREST STATION.**

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE (FOR ADGP)

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

B.A.No.7326 OF 2014

Dated this the 5th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 3<sup>rd</sup> accused in O.R.No.2/2014 of Murinjapuzha Forest Station registered for the offence punishable under Section 27 of the Kerala Forest Act.

3. The allegation against the petitioner and the other accused is that on 17.9.2014, they were found in the reserve forest and A1 and A2 were seen cutting a teak tree worth Rs.6,000/- and the petitioner was found keeping guard on watch.

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

5. There are serious allegations against the petitioner. Even though the petitioner was not engaged in cutting the tree, he was keeping on watch and was guarding the scene. This is not a fit case wherein the discretionary relief of anticipatory bail can be granted. At the same time, considering the lesser

involvement of the petitioner in the incident, I am of the view that he can be directed to surrender before the investigating officer and to co-operate with the investigation.

6. In the result, this Bail Application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

**sd/-**  
**B.KEMAL PASHA, JUDGE.**

ps/5/1/15

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PA to Judge