

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 7442 of 2015 ()

OR NO.12/2015 OF VALARA FOREST STATION

PETITIONER/ACCUSED :

**MUTHU @ JOHNEY,
AGED 56 YEARS, S/O. ALLIMUTHU
5TH MILE TRIBAL SETTLEMENT,
MANNAMKANDOM VILLAGE,
DEVIKULAM TALUK, IDUKKI DISTRICT.**

BY ADV. SRI.PADAYATTEE YELDO

RESPONDENTS/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE FOREST RANGE OFFICER,
NERIYAMANGALAM FOREST RANGE, NERIYAMANGALAM.**

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:**

bp

A.HARIPRASAD, J.

B.A. No.7442 of 2015

Dated this the 30th day of November, 2015

ORDER

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

2. Petitioner is the accused in Valara Forest Station Crime, O.R.No.12 of 2015 registered for offences punishable under Section 27(1) (e) of the Kerala Forest Act, 1961 and Sections 2(16)(a), 2(31), 9, 39(1)(b), 39(2), 39(3)(a) & (b) and 51(1)(a) of the Wild Life Protection Act, 1972. He seeks bail.

3. Prosecution case, in short, is that on 04.11.2015, the Forest Range Officer searched the house of the petitioner situated in Kuttambuzha Grama Panchayat on the information that he kept seven rare category of Cochin Forest Cane Turtles specified under the Schedule to the Wild Life Protection Act. It is further alleged that dried skin and meat of Common Palm Civet was also recovered from his house. Petitioner is in custody from 04.11.21015 onwards.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is tribal as also a traditional medical practitioner. He has been falsely

implicated in the crime since his son had filed a complaint accusing the Forest Officers in respect of false implication of the petitioner in another case.

6. Learned Prosecutor opposed the bail application. He contended that the materials recovered from the house of the petitioner will show that he has committed the offences and there was no vengeance on the part of the Forest Officers in falsely implicating him in the case. It is also submitted that case against the Forest Officers was registered by the Police after the arrest of the petitioner.

Considering the nature of allegations and the stage of investigation, bail is granted to the petitioner with following conditions:

- i. Petitioner shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty 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. Petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed.
- iv. Petitioner shall not indulge in any offence while on bail.

v. He 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 petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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