

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 7448 of 2015 ()

OR. NO. 7/2015 OF FOREST RANGE OFFICE, KASARAGOD.

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PETITIONER/ACCUSED:

**MOHAMMED KUNHI C.P., AGED 42 YEARS,
S/O. IBRAHIM, R/AT CHEDIKUNDU HOUSE,
BEDADKA VILLAGE, POST KUNDAMKUZHI,
KASARAGOD TALUK AND DISTRICT, PIN- 671 541.**

BY SRI.M.RAMESH CHANDER, SENIOR ADVOCATE.

RESPONDENT/COMPLAINANT & STATE :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-682 031.**

BY SR. PUBLIC PROSECUTOR SRI.SHIBU JOSEPH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.7448 of 2015

Dated this the 1st day of December 2015

O R D E R

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

2. Petitioner is the accused in O.R. No.7 of 2015 of Kasaragod Excise Range registered for the offences punishable under Secs.27(1)(d)(e)(iii) and (iv), 47A(a), 47B(1), 47F, 47G and 47H of the Kerala Forest Act. Prosecution case is that on 18.10.2015 there was a road accident wherein the petitioner's vehicle collided with a car. It is alleged that on 19.10.2015 at 10.30 p.m., the police went to prepare the scene mahazar and found out from the petitioner's motorcycle 1kg of sandal wood and weighing balance.

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

4. Learned senior counsel for the petitioner submitted that the motorcycle was lying in a public place from 18.10.2015 at 4.00 p.m till 19.10.2015. If actually there was any contraband in the vehicle, certainly he

would have taken steps to remove the article. It is a case of the petitioner that the car owner is a highly influential person and in connection with the accident, a crime is registered against the petitioner, even though the car driver was responsible for the accident. It is the further case of the petitioner that he is falsely implicated in this case at the aegis of the owner of the car.

Considering the facts and circumstances and also the fact that presence of the petitioner may be required for investigation, pre arrest bail is granted to him with the following conditions.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

NS/01/12/2015

The words “ Kasaragod Excise Range” occurring in the 2nd line of Paragraph 2 at page 1 of the final order dated 01/12/2015 in B.A. No.7448 of 2015 are corrected and substituted as “Kasaragod Forest Range” as per order dated 15.12.2015 in CrI.M.A.11554/2015 in B.A. No.7448/2015.

Sd/-
Registrar (Judicial)