

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7626 of 2015

OR. NO. 1/2015 OF ATHIRAPPALLI FOREST STATION, ERNAKULAM.
.....

PETITIONER/A - 12:

**SREEKANDAN NAIR, AGED 56 YEARS,
S/O.VELAPPAN NAIR, SREEVARAHAM HOUSE,
CHEPPIL LANE, MUTTATHARA VILLAGE,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.BREJITHA UNNIKRIISHNAN**

RESPONDENT:

**THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682031.**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015 ALONG WITH BA. 7627/2015 & BA. 7628/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. Nos.7626, 7627 & 7628 of 2015

Dated this the 17th day of December, 2015

COMMON ORDER

Applications under Section 438 of the Code of Criminal Procedure.

2. Petitioner in all these applications is the same person. He is involved in O.R.Nos.1 to 3 of 2015 of Athirappalli Forest Station registered for offences punishable under Section 27(1)(e)(iv) of Kerala Forest Act and Sections 9, 2(2), 2(16), 2(20), 2(36), 2(37), 39, 48(a), 49, 50, 51 and 57 of Kerala Wild Life Protection Act. He seeks pre-arrest bail.

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

4. Learned counsel for the petitioner submitted that earlier the petitioner was arrested in O.R.No.1 of 2015 of Edamalayar Forest Station and he was in custody for a long time. He was interrogated and recovery was effected. Later he was implicated in O.R.No.3 of 2015 of Karimpani Forest Station and O.R.No.2 of 2015 of Edamalayar Forest Station. Now the petitioner apprehends arrest in the above crimes registered by the Athirappalli Forest Station.

5. Learned Prosecutor opposed the bail applications. He

contended that recovery if any will have to be effected while the petitioner is in custody.

After hearing the learned counsel for the petitioner and the learned Prosecutor, I am of the view that custodial interrogation of the petitioner may not be necessary in these cases. Hence the following order:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation in all the crimes. Thereafter he shall execute a bond for ₹50,000/- (Rupees fifty thousand only) in each case with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in O.R.Nos.1 to 3 of Athirappalli Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall 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 alternate Wednesdays starting from 23.12.2015 between 10.00 and 11.00 a.m. until further orders.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

cks