

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937**

**Bail Appl..No. 7645 of 2015**  
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**CRIME NO. 9/2015 OF VALARA FOREST STATION OFFICE, IDUKKI**  
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**PETITIONER(S)/6TH ACCUSED:**  
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**SAJI JOSEPH @ PURATHAN SHAJI, AGED 40 YEARS,  
S/O.JOSEPH, RESIDING AT PURATHAYIL HOUSE,  
KOOVAPPARA BHAGAM, KUTTAMPUZHA VILLAGE,  
KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT, PIN-686 691.**

**BY ADV. SRI.PEEYUS A.KOTTAM**

**RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682 031.**

**BY SENIOR PUBLIC PROSECUTOR SRI.SHIBU JOSEPH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
07-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**A.HARIPRASAD, J.**

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**B.A. No.7645 of 2015**  
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**Dated this the 7<sup>th</sup> day of December, 2015**

**ORDER**

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

2. Sixth accused in O.R.No.9 of 2015 of Valara Forest Station registered for offences punishable under Section 27(1)(e)(iv) of the Kerala Forest Act and Sections 2(16), 2(35), 2(36), 9, 39, 51 and 52 of the Wild Life Protection Act, 1972 is the petitioner. He seeks bail.

3. Petitioner is formally arrested in this case on 29.10.2015. He remains in custody from 09.10.2015 onwards in connection with another crime. Prosecution case is that the petitioner engaged himself in an illegal trade of ivory.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application.

6. Learned counsel for the petitioner submitted that as per order on B.A.No.7383 of 2015 dated 01.12.2015 the petitioner was released on bail with conditions in Crime No.7 of 2015 of Neriyaamangalam Forest Range Office.

Considering the nature of allegations and duration in custody, petitioner shall be released on bail with following conditions:

- i. Petitioner shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
- ii. The sureties shall be the persons permanently residing in the State of Kerala. 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 for interrogation on all Saturdays between 10.00 and 11.00 a.m until final report is filed.
- iv. He shall surrender his passport before the lower court concerned forthwith. If he does not have a passport, he shall file an affidavit to that effect. If it is already surrendered in any other case, he shall file an affidavit to that effect.
- v. Petitioner shall not indulge in any offence while on bail.
- vi. 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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