

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Bail Appl..No. 8247 of 2015

CRIME NO. 17/2015 OF DEVIKULAM FOREST RANGE OFFICE, IDUKKI

PETITIONER(S)/ACCUSED 2:

**SHINOJ, AGED 35 YEARS,
S/O.RASAK, PODIPARAYIL HOUSE, CHINGALLU CITY BHAGAM,
VANNAPPURAM VILLAGE, THODUPUZHA TALUK.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031 (OR NO.17/2015 OF FOREST RANGE OFFICE,
DEVIKULAM, IDUKKI DISTRICT).**

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K.P. JYOTHINDRANATH, J.

B.A. No.8247 of 2015

Dated this the 29th day of December, 2015

O R D E R

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the second accused in O.R.No.17/2015 of Forest Range Office, Devikulam, Idukki District, which is registered for offences under Sections 27 (i) (e) iii of Kerala Forest Act and Section 5(2) & (9) of the Kerala Preservation of Trees Act 1986.

3. When the petition came up for hearing, the learned counsel for the petitioner submitted before me that the allegation against the petitioner is that he cut and removed two rosewood trees from a patta land of one Reena Rebero, Kaniyath House, which is inside the cardamom hill reserve. It is the submission that the petitioner surrendered before the forest officials as back as on 26.11.2015 and thereafter he is under judicial custody. It is the submission that the forest officials filed private complaint and in the said private complaint he is under judicial custody for the

last one month.

4. At this juncture, the learned Public Prosecutor submitted before me that originally he was arrested by the forest officials and he escaped from therein.

5. The learned counsel for the petitioner submitted before me that it can be only treated as citizens arrest as evident from the provisions of the Forest Act.

6. After considering the totality of the case, I feel that the petitioner can be granted bail on the the following conditions:

- 1) The petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the court concerned.
- 2) The petitioner shall appear before the Investigating Officer on all Saturdays in between 10 a.m and 12 noon for a period of two months.
- 3) The petitioner shall not commit any offence

during the bail period.

4) The petitioner shall not influence or intimidate the witnesses.

5) The petitioner shall co-operate with the investigation.

On the above conditions, this bail application is allowed.

Sd/-
K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

shg/