

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 8789 of 2014

CRIME NO. 529/2014 OF VELLATHOOVAL POLICE STATION , IDUKKI

PETITIONER/ACCUSED:

**MANOJ, AGED 28 YEARS
S/O.RAJAN, VAZHAPPILLIL HOUSE, KAMBILIKANDAM KARA
MONNATHADY VILLAGE, IDUKKI TALUK.**

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

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031,
(CRIME NO.529/2014 OF VELLATHOOVAL POLICE STATION
IDUKKI DISTRICT).**
- 2. CIRCLE INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION, IDUKKI DISTRICT-685563
(CRIME NO.529/2014 OF VELLATHOOVAL POLICE STATION
IDUKKI DISTRICT).**

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 8789 of 2014

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Dated this the 21st day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.529 of 2014 of the Vellathooval Police Station, registered for the offences punishable under Section 3 read with Section 25(1-B)(a) of the Arms Act, 1959.

3. The allegation against the petitioner is that 2 wild animals were shot dead from the Reserve Forest by using an unlicensed country gun in the possession of the petitioner. The gun along with bullets were seized from his possession, for which O.R.No.36 of 2014 of the Devikulam Forest Range was registered against him. He had undergone detention for 52 days in connection with the investigation of the said case and finally, he was enlarged on bail in that case. Even when

he was undergoing detention, the matter was duly reported by the Forest Officials to the Police, thereby the present crime has been registered on 25.10.2014. The petitioner was enlarged on bail in O.R.No.36 of 2014 and O.R.No.41 of 2014 on 21.11.2014.

4. Heard learned counsel for the petitioner and learned Additional Director General of Prosecution.

5. The learned counsel for the petitioner has pointed out that the custodial interrogation of the petitioner is not required for the continued investigation of this case, as he had undergone detention in custody in connection with aforesaid O.Rs for 52 days and even during that period, the Police was aware of his presence in custody. It seems that the formal arrest in this crime was not made, while he was undergoing detention in the above two other cases.

6. The learned Additional Director General of Prosecution has pointed out that the source, from where he has obtained the gun, etc. has to be gathered, for which,

custodial interrogation of the petitioner is required. Whatever it is, considering the seriousness of the allegations against the petitioner, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, considering the aforesaid circumstances pointed out by the learned counsel for the petitioner, I am of the view that an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself,

provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

// True Copy //

P.A. To Judge