

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No.8929 of 2014

OR NO.16/2014 OF MUKKALI FOREST STATION,PALAKKAD.

PETITIONER:

**MATHAI,S/O.CHERIAN,KANJIRAPARAYIL HOUSE,
MELAMURI,THENKARA,MANNARKKAD,PALAKKAD.**

BY ADV. SRI.T.M.SUNIL

RESPONDENT:

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

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

=====

B.A. No. 8929 of 2014

=====

Dated this the 15th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 9th accused in O.R. No.16 of 2014 of the Mukkali Forest Station, Attappady Range, registered for the offences punishable under Sections 27(1)(e), (iv) and (iii), 47(b), 47(g) and 47(i) of the Kerala Forest Act.

3. It is alleged that on 18.10.2014, five sandal wood trees were cut and removed from the forest from Manjikandy sandal regeneration area of the Attappady Range, by A2, A4, A5, A6 and A7, after committing trespass into the forest area. They collected 10 Kgs of sandal wood, out of which, 5 Kgs were sold to the present petitioner.

4. Heard learned counsel for the petitioner and

learned Public Prosecutor.

5. According to the learned counsel for the petitioner, apart from the confession of the co-accused, there is no other evidence against the petitioner. The contents of the CD *prima facie* reveal the complicity of the petitioner. This is a case, wherein, the custodial interrogation of the petitioner is required for the recovery of the sandal wood allegedly collected by him. The investigation of this case is not over. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am satisfied that this is not a case wherein the discretionary relief of anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity 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

dl

// TRUE COPY //

PA to Judge