

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. 9101 of 2014

CRIME NUMBER NOT KNOWN OLAVACODE FORST RANGE, PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED PERSONS :

- 1. SUNIL KUMAR M.V., AGED 43 YEARS,
S/O.LATE M.K.VELAPPAN, KRISHNA VIHAR, PORIYANI,
MUNDOOR POST, PALAKKAD - 678 592.**
- 2. ARAVINDAKSHAN C.R., AGED 31 YEARS,
S/O.RAMAKRISHNAN, CHENNAMPURA, KALLAMPARAMBU,
DHONI POST, PALAKKAD- 678 009.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE FOREST RANGE OFFICER,
OLAVAKKODE FOREST RANGE, PALAKKAD, PIN- 678 001.**

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:**

Msd.

B.KEMAL PASHA, J.

B.A.No.9101 of 2014

Dated this the 15th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in O.R. No.10/2014 of Olavacode Forest Range, Palakkad district registered for the offence punishable under Section 27 of the Forest Act.

3. The father of the first petitioner was in possession of 15.3 acres of landed property. Subsequently, it has come out after various litigations that, 6.55 acres out of it, is vested forest. Even though, the elder brother of the first petitioner has challenged the said aspect through another O.A., that was dismissed and presently, a M.F.A. is allegedly pending before this Court. It is alleged that the petitioners has trespassed into the portion of the said 6.55 acres of vested forest and cut and removed 87 rubber trees from the property, thereby causing a wrongful loss of Rs.5,000/- to the

Government.

4. Heard the learned counsel for the petitioners and the learned A.D.G.P.

5. It has come out that at present the said extent of 6.55 acres can only be treated as vested forest, even though the elder brother of the first petitioner has unsuccessfully challenged the said order. It is from that property, they had allegedly cut and removed 87 rubber trees, which was in fact originally planted by the father of the first petitioner. Considering the facts and circumstances of this case, the present stage of investigation and the fact that those 87 rubber trees were originally planted by the father of the first petitioner herein, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or any other officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on

bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall deposit Rs.5,000/- before the court below within 10 days from today.

(ii) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 22.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) The petitioners shall not tamper with the evidence or influence witnesses.

(iv) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(v) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions

stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge