

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

CrI.MC.No. 4247 of 2015 ()

CRIME NO. 1/2015 OF EDAMALAYAR FOREST STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED NO.3:

**ELDHO P.K., AGED 40 YEARS,
S/O. P.M.KURIAKOSE, PUTHENPURACKAL HOUSE,
KOOVAPPARA P.O., KUTTAMPUZHA VILLAGE,
ERNAKULAM DISTRICT-686 691.**

**BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ**

RESPONDENT(S)/COMPLAINANT & INVESTIGATING OFFICER :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. DEPUTY RANGER, FOREST STATION,
EDAMALAYAR, ERNAKULAM DISTRICT, PIN-686 681
(NOTICE TO WHOM MAY BE SERVED ON THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM).**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4247 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 : A COPY OF THE FOREST OFFENCE SEIZURE REPORT IN OR NO.1/2015
SUBMITTED BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST
CLASS MAGISTRATE, KURUPPAMPADY.**

**ANNEX A2 : A COPY OF THE ORDER DTD. 30.6.2015 IN BA NO.3622 OF 2015
PASSED BY THIS HON'BLE COURT.**

**ANNEX A3 : A COPY OF THE RULING IN SUKWANT SINGH VS. STATE OF PUNJAB
REPORTED IN (2009) 7 SCC 559.**

**ANNEX A4 : A COPY OF THE RULING IN MUKESH KISHANPURIA VS. STATE OF
WEST BENGAL REPORTED IN (2010) 5 JT 397.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No.4247 of 2015

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Dated this the 9th day of July , 2015

O R D E R

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

“i)direct the Judicial First Class Magistrate's Court-II, Kothamangalam, Ernakulam District, to consider either the application for regular bail or the application for interim bail on the date of filing the application itself by the petitioner in Crime No. OR 1/2015 on the files of the Forest Station, Edamalayar, Ernakulam District.

ii) Grant two weeks time to the petitioner to surrender before the Judicial First Class Magistrate's Court-II, Kothamangalam in Crime No.OR 1/2015 on the files of the Forest station, Edamalayar, Ernakulam District, or before the investigating Officer in the said crime and to apply for bail.

iii) Direct the 2nd respondent to allow the petitioner to have the presence of his advocate during interrogation of the petitioner by the Investigating officer in connection with crime No.OR 1/2015 on the files of the Forest Station, Edamalayar, Ernakulam District.

iv) Grant such other relief as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

2. Heard Sri.C.S.Manu, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. Sri.C.S.Manu, learned Counsel for the petitioner submits that

the petitioner is not pressing the prayer No.iii with liberty to pursue that remedy at the appropriate time. Accordingly the prayer No.iii is closed as not pressed with the aforestated liberty.

4. Having regard to the totality of the facts and circumstances of this case, it is ordered in the interest of justice that in case the petitioner voluntarily surrenders before the Judicial First Class Magistrate's Court-II, Kothamangalam (dealing with Crime No. OR 1/2015 on the file of the Forest Station, Edamalayar, Ernakulam District), within two weeks from today and submits necessary application for grant of bail, then the court below concerned shall consider the application for bail on the same day itself, in accordance with law and taking into consideration the facts and circumstances of this case. It is further ordered that the petitioner shall give advance notice to the Prosecutor concerned attached to the court below concerned intimating the date and time of surrender before the court below, at least 24 hours prior to such proposed surrender. It is made clear that in case the petitioner does not surrender before the court below concerned within a period of two weeks as directed above, then the direction issued herein above will stand automatically vacated. It is made clear that it is entirely within the province of the court below concerned to decide on the application for bail, in accordance with law.

With these observations and directions, the Crl.M.C. stands finally disposed of.

Sd/-

ALEXANDER THOMAS, JUDGE

AVS