IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

Bail Appl..No.4733 OF 2020

O.R. NO.9/2020 OF MUKKALI FOREST STATION OFFICE , PALAKKAD

PETITIONER/ACCUSED:

MATHAN,
AGED 56 YEARS,
S/O. SOMAN,
MELETHUDUKKI OORU,
PADAVAYAL,
CHINDAKKI,
MANNARKKAD, PALAKKAD DIST.
PIN - 678582

BY ADV. SRI.T.K.SANDEEP

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ,
ERNAKULAM,
PIN - 682031

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.AMJAD ALI – SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.08.2020, ALONG WITH Bail Appl..5110/2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

Bail Appl..No.5110 OF 2020

O.R NO.9/2020 OF MUKKALI FOREST STATION OFFICE , PALAKKAD

PETITIONER/ACCUSED:

MURUKAN,
AGED 45 YEARS,
S/O. KUPPAN,
KINATTUNKARA OORU,
PADAVAYAL, CHINDAKKI,
MANNARKKAD, PALAKKAD DIST.
PIN - 678582

BY ADV. SRI.T.K.SANDEEP

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM
PIN - 682031

SRI.AMJAD ALI – SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.08.2020, ALONG WITH Bail Appl..4733/2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

COMMON ORDER

Dated this the 26th day of August, 2020

APPLICATION FOR REGULAR BAIL

The applicant in B.A No.4733/2020 is the 1st accused, while the applicant in B.A No.5110/2020 is the 4th accused in O.R.No.9/2020 of Mukkali Forest Station, Palakkad, for having allegedly committed offences punishable under Sections 27(1)(e),(iv),(l) of Kerala Forest Act, 1961(Amendment Act 1993) and 20(a), 8(b) of Narcotic Drugs and psychotropic Substances Act, 1985 (for short the "NDPS Act").The prosecution case, in brief, is this:

2. On 22.05.2020, the Deputy Range Officer of the forest area, got discreet information, regarding cultivation of ganja plants in forest area and accordingly, he conducted search of the western side of Charakkol Mountain in Attapady Reserve Forest, and observed that the bushes were cut and removed, the soil was ploughed and ganja plants were cultivated. On his arrival, with this party, few persons were

seen fleeing from the place, from a distance of about 75 meters. Consequently, O.R.No.9/2020 was registered for the aforesaid offences. Investigation revealed the involvement of the applicants also as accused, along with 2 others. Both the applicants were arrested on 25.06.2020 and continue to be in custody. The applicants pray that they are innocent and the allegations that they are involved in cultivation of ganja is not true. It is also stated that they do not have any criminal antecedents. They are sole bread winners of their family. And, therefore, seek regular bail.

3. Heard the learned counsel appearing for the applicants and the learned Public Prosecutor.

4. Considering the entirety of the facts and circumstances of this case, the present pandemic situation and the antecedents of the applicants, I am of the opinion that further incarceration of the applicants may not be necessary.

5. In the result, the applications are allowed and the applicants are directed to be released on bail on the execution

of bonds for Rs.50,000/-(Rupees Fifty thousand only), each with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following further conditions:

(i) They shall appear before the Investigating Officer on all Mondays between 9.00AM and 12.00PM for a period of two months or till filing of the final report whichever is earlier.

(ii) They shall not intimidate or influence witnesses and tamper with evidence.

(iii) They shall not get involved in similar offences during the currency of the bail period.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

The bail applications are allowed.

Sd/-
ASHOK MENON
JUDGE

NR/26/08/20