**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE ASHOK MENON**

**TUESDAY, THE 01ST DAY OF DECEMBER 2020 / 10TH AGRAHAYANA, 1942**

**Bail Appl..No.7643 OF 2020**

**CRIME NO.1/2020 OF Mukkali Forest Station Office , Palakkad**

**PETITIONER/S:**

**ANEESH**
**AGED 27 YEARS**
**ATTAMPULIKKAL, MAMANA,**
**AGALI, JELLIPARA,**
**PALAKKAD 678581**

**BY ADV. SRI.T.K.SANDEEP**

**RESPONDENT/S:**

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

**R1 BY PUBLIC PROSECUTOR**

**OTHER PRESENT:**

**SRI.B.JAYASURYA SR PP**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

# O R D E R

**Dated this the 1st day of December 2020**

Application for anticipatory bail under Section 438 of Cr.P.C.

The applicant is the 5th accused in OR No.1/2020 of Mukkali Forest Station, which was initially registered at the Onmala Forest Station as OR No.2/2020 and transferred to Mukkali Forest Station on the basis of jurisdiction. The offences alleged are punishable under Sections 2(1), (2), (14), (16), (20), (35), (36), 9, 39, 51(1) of Wild Life Protection Act.

2. The prosecution case, in brief, is that on 24.01.2020, few persons were found consuming wild meat in the house of one Akhil and on getting information, the meat was seized and the persons found there were arrayed as accused and arrested. Further investigation revealed that the meat was purchased from a person named Murugan for a consideration of Rs.2500/- contributed by persons including the applicant and therefore, the applicant was also implicated as an accused.

3. Apprehending arrest, he has before this Court seeking anticipatory bail. The applicant states that there is absolutely

no material to implicate him as an accused and that he has been included solely on the basis of a confession statement, purportedly given by the co-accused. There is no other material to show that he had contributed for the sale consideration paid to Murugan. Hence he seeks bail.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The offences under the Wild Life Protection Act are grave in nature. It depletes the forest wealth of our nation. Under the circumstances, the applicant cannot seek anticipatory bail. It is pointed out by the learned counsel for the applicant that a few of the accused were arrested and they were granted regular bail by the jurisdictional court. Even though at present there may not be sufficient material for the prosecution to seek a conviction, a further effort may clearly prove the complicity of the accused applicant. The investigation is still at a nascent stage and in view of the confession statement of the co-accused recorded by the investigating officer, the applicant was rightly implicated and he is definitely not entitled to anticipatory bail. The applicant is directed to surrender before the investigating officer within two weeks. In the event of his being arrested, he

shall be produced before the jurisdictional court, where he is at liberty to apply for a regular bail, which shall be considered and preferably disposed of on the same day.

SD/-

**ASHOK MENON**

**JUDGE**

**rmm**