

Gireeshkumar Vs. State of Kerala

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Court : Kerala

Decided On : Jul-07-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Gireeshkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY,THE7H DAY OF JULY201416TH ASHADHA, 1936 Bail Appl..No. 4859 of 2014 ()
----- CRIME NO. 8/2014 OF NELLIAMPATHY FOREST RANGE OFFICE , PALAKKAD PETITIONER(S): -----
GIREESHKUMAR, AGED37YEARS S/O.MANICKAN, MATTUPPARA HOUSE, NENMARA P.O CHITTUR TALUK, PALAKKAD DISTRICT. BY ADV. SRI.NIREESH MATHEW RESPONDENT(S): ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM KOCHI682031. R BY PUBLIC PROSECUTOR, SRI.SHIBU JOSEPH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0707-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: das THOMAS P. JOSEPH, J.

===== Bail Appl.No. 4859 of 2014
----- Dated this the 7th day of July, 2014

ORDER

Petitioner is accused in OR No. 8/2014 of Nelliampathy Forest Range Office for offence under the Wild Life Protection Act, 1972, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the Nenmara police searched the house of the petitioner on 11-05-2014 at about 11.00 a.m on information that the petitioner is engaged in unauthorized money lending and seized three deer horns from that house. The deer horns were handed over to the forest officials who registered OR82014. It is necessary to interrogate the petitioner.

3. The learned counsel submits that the house searched is No. 14/453 of Nenmara which belonged to his late uncle and where his aunt is staying. The petitioner is residing in House No. 16/434 of Nenmara Panchayat. The learned counsel invites my attention to (Annexures A and B). It is also submitted that even the mahazar prepared by the police would show that the deer B.A. No. 4859 of 2014 -2- horns are more than five years old. Petitioner has not role in keeping the deer horns in the house in question.

4. Learned Public Prosecutor submits that the forest officials enquired about the certificates issued to the petitioner and it is revealed that he is still residing in the house in question.

5. I have gone through the copy of seizure mahazar where it is stated that the deer horns are not less than five years old. Having regard to the relevant circumstances brought to my notice, I am inclined to think that custodial interrogation of the petitioner is not required. I am inclined to grant relief, but subject to conditions. Application is allowed as under.

1. Petitioner shall surrender before the officer investigating O.R No.8 of 2014 of Nelliampathi Forest Range Office on 14.7.2014 at about 10.00 am and on other days as may be directed by the officer investigating the case in case interrogation is not over. B.A. No. 4859 of 2014 -3- 2. In case the petitioner is arrested, he shall

be produced before the jurisdictional magistrate the same day.

3. On such production, the petitioner shall be released on bail, if not required to be detained otherwise on his executing bond for 25,000/- (Rupees twenty five thousand only) with two sureties for the like sum to the satisfaction of the learned magistrate and subject to the following conditions: a. One of the sureties shall be a close relative of the petitioner. b. Petitioner shall report to the officer investigating O.R. No. 8 of 2014 of Nelliampathi Forest Range Office on every alternate Saturday between 10.00 a.m. and 12.00 p.m. for a period of two months or until filing of the final report whichever is earlier. B.A. No. 4859 of 2014 -4- c. Petitioner shall report to the investigating officer as and when required for interrogation. d. Petitioner shall not get involved in any offence during the period of this bail. e. Petitioner shall not intimidate or influence the witnesses. f. In case any of condition Nos. (b) to (e) is violated, it is open to the investigating officer to file application before the learned magistrate for the cancellation of the bail granted hereby, as held in P.K. Shaji v. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH, JUDGE kp/-

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