

Karthik Vs. State of Kerala

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Court : Kerala

Decided On : Jul-15-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Karthik

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 15TH DAY OF JULY 2014 24TH ASHADHA, 1936 Bail Appl..No. 5074 of 2014 ()
----- O.R. NO. 2/2014 OF NERIYAMANGALAM FOREST RANGE, ERNAKULAM DIST. PETITIONER/2ND ACCUSED: -----
KARTHIK. M., S/O. MURUGAN, AGED 24 YEARS, IRUMALAR VEEDU, SANTHAN PARA P.O., UDUMBANCHOLA TALUK, IDUKKI DISTRICT. BY SRI. GRASHIOUS KURIAKOSE, SENIOR ADVOCATE. ADV. SRI. GEORGE MATHEWS. RESPONDENT/COMPLAINANT: -----
STATE OF KERALA, FOREST RANGE OFFICER, NERIYAMANGALAM FOREST STATION, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR MR. SHIBU JOSEPH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-07-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. THOMAS P. JOSEPH, J.

----- Dated this the 15th day of July 2014

ORDER

Petitioner is the 2nd accused in O.R. No.2 of 2014 of the Neriymangalam Forest Range office for the offences punishable under the Wild Life Protection Act, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 18.01.2014 at about 10.00 a.m., the 1st accused was arrested with the skin of a leopard which was seized. On questioning the 1st accused stated that the petitioner collected the skin from Pala and handed over the same to the 1st accused. It is submitted that custodial interrogation of the petitioner is required to find out wherefrom the petitioner had collected the said material.

3. Learned Senior Advocate submitted that the allegations are not true. Learned Senior Advocate invites my attention to the plea raised by the 1st accused in his application for bail that the 1st accused was trapped by Bail Appl. No.5074 of 2014 2 the petitioner who was enmical towards him. It is pointed out that between the petitioners and the 1st accused, enmity is admitted. Referring to Annexure 3 onwards, it is submitted that the petitioner has undergone some course in Chennai and arrest would mar his future. Lastly it is argued that by Annexure A2, order dated 04.04.2014 in B.A. No.2271 of 2014, this Court has granted pre arrest bail to the 3rd accused.

4. In response, learned Public Prosecutor submitted that the case against the 3rd accused stands on a different footing when compared with that against the petitioner.

5. I have gone through Annexure A2, order and find that it is in the peculiar facts and circumstances of the case so far it concerned to the 3rd accused that he was granted pre arrest bail. That cannot be taken as a base to grant relief to the petitioner if the case against the petitioner is distinguishable on facts. Here, the allegation is that the petitioner had gone to Pala, collected skin of leopard and

handed over the same to the 1st accused. Bail Appl. No.5074 of 2014 3
Necessarily, wherefrom the petitioner (allegedly) collected the said material has to
be ascertained. That, he has undergone some course and is a young man are no
grounds to grant pre arrest bail in cases of this nature. I am satisfied that grant of
pre arrest bail would affect investigation of the case. The application is dismissed.
It is directed that incase the petitioner is arrested, he shall be produced before the
jurisdictional magistrate as early as possible. Sd/- THOMAS P. JOSEPH JUDGE /
True Copy / NS P.A. To Judge

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