

Aneesh vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./10220/2023

Appellant : Aneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, 1945 BAIL APPL. NO. 10220 OF 2023 O.R.2/2023 OF
Kumbhavuruty Model Forest Station, Achenkovil Range, Kollam
PETITIONERS/ACCUSED NOS.2 AND 3 1 ANEESH AGED 34 YEARS
S/O. VIJAYAN, ANEESH BHAVAN, ACHANKOVIL P.O., KOLLAM, PIN -
689696 2 KUNJUMON, AGED 49 YEARS S/O. PATHROSE, BLOCK
NO.3, ACHANKOVIL P.O., KOLLAM,, PIN - 689696 BY ADVS. RENJITH
B.MARAR LAKSHMI.N.KAIMAL P.RAJKUMAR KESHAVRAJ NAIR
ARUN POOMULLI PREETHA S CHANDRAN ABHIJITH SREEKUMAR
ANAND REMESH C.R.REKHA ABHIRAM.S. RESPONDENT STATE OF

KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY SRI.M.C ASHI, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This application is filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The applicants are the accused Nos.2 and 3 in

O.R.No.2/2023 of Kumbavurutty Model Forest Station

Wildlife Protection Act, 1972.

3. The prosecution case, in short, is that the accused

were found in possession of scales of Pangolin, a protected animal under Wild Life Protection Act, 1972, for the purpose of sale. The accused thereby committed the aforesaid offences.

4. I have heard Sri.Renjith B. Marar, the learned counsel for the applicants and Sri.M.C. Ashi, the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case. The counsel further submitted

that no materials are on record to connect the applicants with the alleged crime; hence, they are entitled to get bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicants, and they are not entitled to bail at this stage.

6. The applicants were remanded to judicial custody

on 7.10.2023 and since then, they are in judicial custody. The specific role attributed against accused No.3 is that he tried to sell Pangolin scales in the neighbouring Tamil Nadu State. Accused No.2 helped accused No.3 in transporting the same in his bike. There is no recovery from the possession of the applicants. The Pangolin scales were seized from near to the house of accused No.3. The investigation is almost over. The recovery has been effected. It is submitted by the learned counsel for the applicants that the remaining accused had already been granted bail.

For all these reasons, I do not find any reason to hold that the continued detention of the applicants is required for any purpose. Hence, the applicants are entitled to be released on bail. In the result, the application is allowed on the following conditions: -

(i) The applicants shall be released on bail on

executing a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The applicants shall fully co-operate with the investigation.

(iii) The applicants shall appear before the

investigating officer between 10.00 a.m and 11.00 a.m every Saturday until further orders. They shall also appear before the investigating officer as and when required.

(iv) The applicants shall not commit any offence of a like nature while on bail.

(v) The applicants shall not attempt to contact any of

the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicants shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/- DR. KAUSER EDAPPAGATH JUDGE smm APPENDIX OF BAIL APPL. 10220/2023 PETITIONER ANNEXURES Annexure A1 A TRUE COPY OF THE OR NO. 1 OF 2023 OF THE KALLAR RANGE FOREST STATION ALONG WITH THE MAHAZAR DATED 13.09.2023 Annexure A2 A TRUE COPY OF THE REMAND APPLICATION DATED 17.09.2023 Annexure A3 A TRUE COPY OF THE OR NO. 1 OF 2023 ALONG WITH THE REMAND APPLICATION DATED 19.09.2023 OF KUMBAVARUTTY MODEL FOREST STATION Annexure A4 A TRUE COPY OF THE APPLICATION FOR THE FOREST CUSTODY OF THE ACCUSED DATED 26.09.2023 Annexure A5 A TRUE COPY OF THE MEDICAL RECORDS OF THE 2 ND PETITIONER Annexure A6 A TRUE COPY OF THE ORDER DATED 20.10.2023 IN CMP NO. 6581 OF 2023 Annexure A7 TRUE COPY OF THE ORDER DATED 08.11.2023 IN CRL M C NO. 2308 OF 2023

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