

Haneefa vs State of Kerala

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Court : Kerala

Decided On : Feb-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./686/2022

Appellant : Haneefa

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 7TH DAY OF FEBRUARY 2022 / 18TH MAGHA, 1943
O.R.NO.1/2022 OF OTTAPALAM FOREST RANGE
OFFICE,PALAKKAD PETITIONER/ACCUSED: HANEEFA, AGED 54
YEARS, NEDIYODATH HOUSE, CHERUKODE.P.O., VALLAPPUZHA,
PALAKKAD DISTRICT, PIN-679 336. BY ADVS. DINESH MATHEW
J.MURICKEN VINOD S. PILLAI MOHAMMED THAYIB N.M. NAYANA
VARGHESE ANSU SARA MATHEW AHAMMAD SACHIN K.
RESPONDENT: STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682
031. BY SRI.RANJITH (SR. PUBLIC PROSECUTOR) THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 07.02.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for regular bail.

2. The petitioner is the accused in O. R. No.1 of 2022 of

Ottapalam Forest Range Office, Palakkad, alleging commission of offences under Sections 27(1), (e), (iii), (iv) and 47A, B, C, D, F, G, H of the Kerala Forest Act, 1961. The allegation against the petitioner is that certain quantity of sandal wood, which was illegally procured, was seized from his residence. It is alleged that the Forest officials had reached the house of the petitioner on getting information that about 30Kg of sandal wood was stored there. It is alleged that on the Forest officials reaching the spot, one of the other accused ran away with a certain quantity and 17Kg of sandal wood was recovered from the possession of the petitioner.

3. The learned counsel for the petitioner submits that

the petitioner is absolutely innocent in the matter. It is submitted that the sandal wood in question was lawfully procured and no illegality whatsoever has been committed by the petitioner. It is submitted that the petitioner has been in custody from 20.01.2022 and his continued detention is not necessary for the purpose of any investigation.

4. The learned Public Prosecutor vehemently opposes the grant of bail. With reference to the records, it is pointed out a

huge quantity of sandal wood was recovered from the possession of the petitioner. It is submitted that the petitioner is not entitled to be released on bail as there is every chance of the offence being repeated, if the petitioner is granted bail.

5. Having regard to the facts and circumstances of the

case and considering the nature of the allegations against the petitioner and considering the fact that the petitioner has been in custody from 20.01.2022, I am of the opinion that the petitioner can be granted bail subject to conditions as his custody is not required for the purpose of any investigation.

6. In the result, this bail application is allowed and it is directed that the petitioner shall be released on bail subject to the following conditions:

(1) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Jurisdictional Court;

(2) Petitioner shall report before the investigating officer in O. R. No.1 of 2022 of Ottapalam Forest Range Office, Palakkad, on every Saturday at 11.00AM until further orders;

(3) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in O. R. No.1 of 2022 of Ottapalam Forest Range Office, Palakkad;

(4) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in O. R. No.1 of 2022 of Ottapalam Forest Range Office, Palakkad, may file an application before the Jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE
DK

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