

Jagadeesh vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-25-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./1248/2022

Appellant : Jagadeesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 25TH DAY OF FEBRUARY 2022 / 6TH PHALGUNA, 1943 BAIL
APPL. NO. 1248 OF 2022 CRIME NO.03/2022 OF Karuvarakundu
Forest Station Office, Malappuram

PETITIONER/ACCUSED: JAGADEESH AGED 37 YEARS
JAGADEESH, THATHAPOOLA, CHETTIYARAMMEL, WANDOOD,
MALAPPURAM DISTRICT- 679328. MALAPPURAM, PIN - 679328 BY
ADVS. P.SAMSUDIN SHYAM NAIR LIRA A.B. RESPONDENT/S:
STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN -
682031 BY SMT. SEETHA .S. (SR.P.P.) THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 25.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.1248/2022 2

ORDER

This is an application for anticipatory bail.

2. The petitioner is the 4th accused in Crime No.3/2022 of

Karuvarakundu Forest Station, Malappuram alleging commission of offences under Sections 2(1), 2(2), 2(14), 2(16), 2(20), 2(35), 2(36), 9, 39, 50, 51 & 57 of Wild Life Protection Act.

3. The allegation in the case is that accused Nos.1 and 2 trapped and killed a wild boar and thereafter shared the meat with others including the petitioner herein.

4. The learned counsel for the petitioner submits that the

petitioner is absolutely innocent in the matter. It is submitted that though a search was conducted in the house of the petitioner, no incriminating material whatsoever was found. It is submitted that even assuming that the allegations are true, the punishment provided is only imprisonment or fine which indicates that even a sentence of imprisonment is not mandatory in such cases. It is submitted that pre-trial incarceration is, therefore, not warranted and the petitioner is entitled to be released on anticipatory bail, in the event of his arrest. The learned counsel for the petitioner also points out that owing to menace caused to farming areas, the Government has permitted the culling of wild boars. It is submitted that, this also is a factor to be taken into consideration in this case.

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5. The learned Public Prosecutor points out the circumstances

of the case. It is submitted that the allegations against the petitioner are serious and interrogation is necessary to find out whether the petitioner was involved in other similar offences also. It is submitted that the petitioner is not entitled to anticipatory bail.

6. Wild life crimes are increasing in this State. Wild animals

are being mercilessly tortured and killed. The law must deal with the persons involved in such crimes with a stern hand. The fact that the Government has permitted culling of wild boar does not mean that it can be hunted unnecessarily. This is a case where it is evident that the wild boar was hunted for its meat which clearly is not a permissible activity even in terms of the Government Order. Therefore, I am not inclined to

grant anticipatory bail to the petitioner. The bail application will stand dismissed. If the petitioner surrenders before the investigating officer on or before 8.3.2022, he shall be produced before the jurisdictional Magistrate on the same day after such interrogation as may be necessary. Any bail application filed by the petitioner shall be considered by the learned Magistrate without undue delay and with notice to the Public Prosecutor.

Sd/- GOPINATH P. JUDGE acd B.A.No.1248/2022 4 APPENDIX OF BAIL APPL. 1248/2022 PETITIONER ANNEXURES Annexure1 TRUE COPY OF ORDER DT. 09-02-2022 IN CRL MC 70/2022 OF SESSIONS COURT MANJERI

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