

Jayakumar vs State of Kerala

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Court : Kerala Orders

Decided On : Oct-27-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./6319/2021

Appellant : Jayakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
WEDNESDAY, THE 27TH DAY OF OCTOBER 2021 / 5TH KARTHIKA,
1943 O.R.NO.6/2021 OF Ommala Forest Station Office, Palakkad
PETITIONER/ACCUSED NO.4 :- JAYAKUMAR AGED 27 YEARS S/O.
THE LATE CHELAN KUTTY, KOZHIKKOODAM, SHOLAYAR,
ATTAPPADY, PALAKKAD DISTRICT,PIN-678 582 BY ADVS.
C.S.MANU C.A.ANUPAMAN T.B.SIVAPRASAD C.Y.VIJAY KUMAR
MANJU E.R. ANANDHU SATHEESH ALINT JOSEPH PAUL JOSE
RESPONDENTS/COMPLAINANT & INVESTIGATING OFFICER :- 1
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, | ERNAKULAM DISTRICT, PIN-682 031 2

THE DEPUTY RANGE FOREST OFFICER, OMMAL FOREST STATION, PALAKKAD DISTRICT, PIN-678 582 BY SRI.NOUSHAD K.A, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Apprehending arrest in connection with O.R

No.06 of 2016 of Ommala Forest Station, Pa

47H, 52(1) and 61A of the Kerala Forest Act, the petitioner/4th accused has moved this application under Section 438 of the Code of Criminal Procedure.

2. The prosecution allegation is that on 18.07.2021 the Forest officials on suspicion had intercepted an autorickshaw bearing registration No.KL 50 5146 and on examination of the same, they

could find sandal wood logs concealed in the autorickshaw. On investigation, it was revealed that this petitioner along with the other accused had trespassed into the forest land and cut and removed sandal wood trees. Thereby, committed the aforesaid offences.

3. Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

4. The learned counsel for the petitioner has raised a plea of false implication and further submitted that there is absolutely no necessity for

custodial interrogation of this petitioner as recovery has been effected by the Forest officials. But he apprehends arrest in connection with the said allegation and to avoid unnecessary arrest, he has approached this court.

5. On the other hand, the learned Public

Prosecutor vehemently opposed the application and submitted that it is true that certain sandal wood logs were seized from the autorickshaw while the accused were illegally transporting the same. But custodial interrogation of this petitioner is required for the case and it has to be verified whether this petitioner as well the other accused have committed the aforesaid offences, as a result of criminal conspiracy hatched between them. Hence, this application is opposed.

6. While granting bail in a case several factors need to be considered. One such factor, is the grave and serious nature of accusation levelled against the petitioner. Here, the gravity of the offences alleged against him is no doubt very serious in nature. As the allegation of the prosecution is that this petitioner along with the other accused have trespassed into the forest land and cut and removed the valuable tree i.e. the

sandal wood tree illegally from the forest and attempted to transport the same for wrongful gain, it is absolutely necessary to have interrogation of the accused to delve deep into allegation raised against him. Prima facie, it appears that huge loss has been caused to the state by indulging into such a serious offence.

7. Moreover, some of the accused persons were

arrested and regular bail was granted to them. But that will not entitle this petitioner to get pre- arrest bail when the gravity of the offences is very serious in nature. Such being the case, I find that this court is not inclined to exercise the discretion in his favour which is to be exercised judiciously and to grant pre-arrest bail as sought for. Accordingly, this bail application stands dismissed. The petitioner shall surrender before the investigating officer at the earliest and co-operate with the investigation of the case. Sd/- SHIRCY V. JUDGE SMA

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