

Musthafa vs State of Kerala

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Court : Kerala

Decided On : May-29-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./1981/2020

Appellant : Musthafa

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON FRIDAY, THE 29TH DAY OF MAY 2020 / 8TH JYASHTA, 1942 Bail Appl.No.1981 OF 2020 AGAINST THE ORDER/JUDGMENT IN CRMC 237/2020 DATED 28-02- 2020 OF DISTRICT COURT & SESSIONS COURT,THRISSUR CRIME NO. OR.3/2020 OF Poongode Forest Station Office , Thrissur PETITIONERS/ACCUSED: 1 MUSTHAFA, AGED 60 YEARS S/O.IYMU, VARAMANGALATH (H), THIRUMITTAKODU P.O., PATTAMBI TALUK, PALAKKAD DISTRICT-679533. 2 MOHAMMED, S/O.KUNJIAHAMMAD, PARAKKATTUKUNDIL HOUSE, IRUMBAKASSERY, ARAMGOTTUKKARA, PALAKKAD DISTRICT-679532. BY ADVS. SRI.K.A.MANZOOR ALI SRI.T.K.SURESH RESPONDENTS/COMPLAINANTS: 1 STATE OF KERALA REPRESENTED BY

THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 THE FOREST OFFICER, POONGODE FOREST STATION, THRISSUR DISTRICT- 680585. R1-2 BY PUBLIC PROSECUTOR OTHER PRESENT: SRI. AMJAD ALI PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

----- BA No.1981 of 2020 -----
Dated this the 29th day of May, 2020

O R D E R

This is a petition for anticipatory bail filed under Section 438 Cr.PC.

2. Petitioners are accused No.3 and 4 in OR No.3/2020 of Poongode Forest Station for having allegedly committed offences punishable under Sections 47(A), 47(B), 47(G) and 47(H) read with Section 52 of the Kerala Forest Act. The prosecution case in brief is that on 1.2.2020, the petitioners had cut and removed two sandalwood trees from the property of the first accused. The petitioners state that they are totally innocent and have absolutely no involvement in the case, and by levelling the property of the first accused, certain trees were pruned and removed. But, they did not do anything wantonly, with the knowledge of committing an offence. They seek pre-arrest bail.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. The act of cutting sandalwood tree even from a

private property is an offence and has to be viewed very seriously. The complicity of the petitioners therefore cannot be belittled. The petitioners are therefore not entitled to pre-arrest bail.

5. The petitioners are directed to surrender

before the investigating officer within two weeks. Soon after interrogation, they shall be produced before the jurisdictional court before which, the petitioners are at liberty to apply for regular bail. The application for regular bail so filed by the petitioners shall be considered and preferably disposed of by the court, on merits, on the very same day itself. With these observations, the Bail Application is dismissed. Sd/- ASHOK MENON JUDGE jg APPENDIX PETITIONER'S EXHIBITS ANNEXURE-A1 : CERTIFIED COPY OF ORDER DATED 28.2.2020 PASSED BY THE SESSIONS COURT, THRISSUR.

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