

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

WEDNESDAY, THE 30TH DECEMBER 2009 / 9TH POUSHA 1931

Crl.MC.No. 4242 of 2009()

O.R. No.3/2006 OF CHARPA FOREST RANGE ON THE FILE OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT, CHALAKUDY

PETITIONER/ACCUSED NO.4:

BABY, AGED 31 YEARS,
S/O. RAPHAEL, PAELIKKUDY HOUSE,
MALAYATTOOR VILLAGE,
CHAKKUKETIL DESOM, ALUVA TALUK.

BY ADV. SRI.MARTIN CHACKO

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M. KAMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/12/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.Q. BARKATH ALI, J.

Crl.M.C. No. 4242 OF 2009

Dated this the 30th day of December, 2009

O R D E R

Petitioner is the 4th accused in OR No.3/2006 of Charpa Forest Range on the file of JFCM, Chalakudy. The case of prosecution is that he has committed offences punishable under the Forest Act. The allegation against him is that he along with other accused persons committed offences punishable under Section 27(1)(2)(IV) of the Kerala Forest Act and under Section 9 of the Wild Life Protection Act.

2. Petitioner apprehends that, if he surrenders before the Trial Court, he will be remanded to judicial custody. Therefore, he prays that the Magistrate may be directed to consider his bail application on the date of surrender itself.

3. Heard learned counsel for the petitioner and the learned Public Prosecutor. In the interest of justice I feel that the petition can be allowed.

In the result, the petition is allowed. The petitioner is directed to surrender before the Trial Court on or before

Crl.M.C. No.4242 of 2009

-:2:-

15.01.2010. On such surrender, if he files bail application, the Magistrate shall consider and dispose of the same on the date of surrender itself.

P.Q. BARKATH ALI, JUDGE

tth