

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST AUGUST 2011 / 9TH BHADRA 1933

Bail Appl..No. 6891 of 2011()

OR NO.16/2011 OF SHOLAYUR FOREST DIVISION, PALAKKAD DISTRICT

PETITIONER/3RD ACCUSED:

**PEETHAMBARAN, S/O.KRISHNAN NAIR,
AGED 48, ADVOCATE, CHEMMENCHERI PUTHIYAVEETIL
PRAPOYIL P.O., CHERUPUZHA VIA,
THALIPARAMBU TALUK, KANNUR DISTRICT.**

**BY ADV. SRI.P.MARTIN JOSE
SRI.M.A.MOHAMMED SIRAJ**

RESPONDENT(S):

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

**2. FOREST RANGE OFFICER,
AGALI, PIN-678 581.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.C.S.HRITHWIK

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/08/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

V. RAMKUMAR, J.

.....
B.A. No. 6891 of 2011
.....

Dated: 31-08-2011

ORDER

Petitioner who is the third accused in O.R. No. 16 of 2011 of Sholayur Forest Division, Palakkad District for offences punishable under Sections 2 (16) (a); 2(35); 2 (36); 9, 49A(1) and 51 of the Wild Life Protection Act, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. After evaluating the factors and parameters which are to be taken into consideration under paragraph 122 of the verdict of the Apex Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra and Others (2010 (4) KLT 930)**, I am of the view that anticipatory bail cannot be granted in a case of this nature, since the investigating officer has not had the advantage of interrogating the petitioner. **Having regard to the fact that the petitioner is an Advocate practicing in this Court, I am inclined to direct the release of the petitioner after interrogation.** Accordingly, the petitioner is directed to surrender before the investigating officer on **13-09-2011 or on 14-09-2011** for the purpose of interrogation and recovery of incriminating material, if any. In case the investigating officer is of the view that having regard to the facts of the case arrest

of the petitioner is imperative he shall record his reasons for the arrest in the case diary as insisted in paragraph 129 of **Siddharam Satlingappa Mhetre's case (supra)**. The petitioner shall thereafter be produced before the Magistrate or the Court concerned and permitted to file an application for regular bail. In case the interrogation of the petitioner is without arresting him, the petitioner shall thereafter appear before the Magistrate or the Court concerned on the same day or on the next day and apply for regular bail. The Magistrate or the Court on being satisfied that the petitioner has been interrogated by the police shall, after hearing the prosecution as well, release the petitioner on bail.

4. In case the petitioner while surrendering before the Investigating Officer has deprived the investigating officer sufficient time for interrogation, the officer shall complete the interrogation even if it is beyond the time limit fixed as above and submit a report to that effect to the Magistrate or the Court concerned. Likewise, the Magistrate or the Court also will not be bound by the time limit fixed as above if sufficient time was not available after the production or appearance of the accused.

5. The release of the petitioner shall be on the petitioner executing a bond for ₹ 25,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like amount to the satisfaction of the Court concerned and subject to the following conditions:-

1. *The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays till the filing of the final report.*

2. *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted with the facts of the case so as to dissuade him or her from disclosing any information to the Court or to the police or to any other person in authority.*

3. *The petitioner shall make himself available for interrogation as and when required by the police at any time till the filing of the final report.*

4. *The petitioner shall not establish any contact with any of the witnesses or accused in the case.*

5. *The petitioner shall not influence or intimidate the prosecution witnesses or the victims nor shall he attempt to tamper with the evidence for the prosecution.*

6. *The petitioner shall not commit any offence while on bail.*

7. *The petitioner shall notify to the Court his place of residence before executing the bail bond.*

This petition is disposed of as above.

Dated this the 31st day of August, 2011.

Sd/-V.RAMKUMAR, JUDGE

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/true copy/

P.S. to Judge