

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

Bail Appl..No. 8684 of 2013 ()

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AGAINST THE ORDER IN CMP 2966/2013 of JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, PERUMBAVOOR**

CRIME NO. 13/2013 OF MEKKAPALA FOREST STATION, ERNAKULAM

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PETITIONER:

**SHAKE ALSHAD, AGED 30 YEARS
S/O.NAVAB JAN, CHENOTHUPARAMBIL
HOUSE, THEKKUMKARA
THALAPPILLY, THRISSUR.**

**BY ADVS.SRI.SHERRY J. THOMAS
SMT.THAMANA BAI**

RESPONDENT:

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

BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-12-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

BABU MATHEW P. JOSEPH, J.

B.A.No.8684 of 2013

Dated this the 27th day of December, 2013

ORDER

This petition is filed under Section 439 of the Code of Criminal Procedure for bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the 1st accused in O.R.No.13 of 2013 of Mekkapala Forest Station. The offence alleged is under Section 51 of the Wild Life (Protection) Act, for violating various provisions of the said Act. The petitioner was arrested on 29.11.2013 and produced before the Court. He was remanded to judicial custody. He continues to be in custody. Learned counsel for petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. The custodial interrogation of the petitioner was already over. The 2nd accused in this case was already released on bail by the trial court. He further submits that the continued custody of the petitioner is not required for completing investigation.

4. Learned Public Prosecutor has opposed this

petition. Case Diary shows that the investigation of the case is almost over. Learned Public Prosecutor submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation, the period the petitioner has already spent in jail and the fact that the 2nd accused in this case was already granted regular bail, this court is of the view that the petitioner can also be granted bail imposing appropriate conditions. Therefore, the petitioner is granted bail subject to the following conditions:

- 1) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.

- 2) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Fridays for a period of two months.

- 3) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to

any Police Officer.

4) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

5) The Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

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

7) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-
(BABU MATHEW P. JOSEPH, JUDGE)

DG