

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942

Bail Appl..No.1810 OF 2020

CRIME NO.20/2019 OF Thamarassery Forest Range Office , Kozhikode

PETITIONER/S:

JOMY
AGED 38 YEARS
S/O. JOY, RESIDING AT KURUVANKARA, MEENMUTTY P.O.,
KODENCHERY (VIA) THAMARASSERY THALUK, KOZHIKODE
DISTRICT, PIN-673 580.

BY ADV. SRI.J.R.PREM NAVAZ

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682 031.

OTHER PRESENT:

SRI.C.N.PRABHAKARAN SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.06.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 30th day of June 2020

The petitioner is the 13th accused in O.R.No.20/2019 of Thamarassery Forest Range office, Kozhikode for having allegedly committed offence punishable under Sections 9, 39, 48A, 49B, 50, 51, 52 and 56 of the Wild Life Protection Act, 1972. The prosecution case in brief is thus:-On 01.12.2019, the 6th accused along with other accused went on a hunting expedition and shot down the calf of a Bose Gourus (Bison), and thereafter they trespassed into the forest land, and shared the meat among themselves. The specific allegation against the 13th accused is that he too had joined the other accused in shooting down the bison calf and therefore, he is also to be sought taken into custody before being released on bail. The learned counsel appearing for the petitioner submits that he is similarly placed as the 12th accused, who has already been granted a pre-arrest bail vide Annexure A1 order of this Court, considering the limited extent of role he has in the alleged occurrence he too may be granted a pre-arrest bail.

2. The learned Public Prosecutor Sri.C.N.Prabhakaran

vehemently opposes the granting of bail to the 13th accused stating that he has more role than the 12th accused, because he was actively involved at the time when the shooting took place while A12 had participated in sharing the meat alone. It is submitted that this indicates the common intention with which the 6th accused shot down the wild life and had shared the meat.

3. After having considered the entirety of facts and circumstances of this case, I find that the petitioner was allegedly present when the 6th accused and others went on a hunting expedition and shot down the bison. It is submitted that the petitioner was present which is revealed from the confession statement of the co-accused. Confession statement of accused is admissible so long as it is corroborated by other evidence. The 12th accused was released on bail because he too was present while sharing the meat. The fact that 12th accused was not present at the time of actual shooting and that the petitioner was present at that time, makes little difference. There is no doubt about the 13th accused co-operating with the investigation, and there is no possibility of his absconding. Also considering the present pandemic situation, incarceration of the petitioner may not be necessary.

He is therefore directed to surrender before the

investigating officer within two weeks and in the event of his being arrested, he shall be released on bail on execution of bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the investigating officer and on following further conditions.

(i) He shall appear before the investigating officer as and when called for

(ii) He shall not attempt to influence the witnesses or tamper with evidence.

(iii) He shall not get involved in any other similar crimes during the currency of the bail. .

In case of violation of any bail condition, the prosecution is at liberty to apply for cancellation of the bail before the jurisdictional court.

SD/-

ASHOK MENON

JUDGE

rmm