

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 31<sup>ST</sup> DAY OF DECEMBER 2021 / 10TH POUSHA, 1943

BAIL APPL. NO. 9333 OF 2021

CRIME NO.03/2021 OF Nellikuth Forest Station Office,  
Malappuram

**PETITIONER/ACCUSED:**

JAMNAS, AGED 41 YEARS  
SON OF BEERANKUTTY, THAIKANDY HOUSE, RAHIAN BAZAR,  
KOLATHARA P.O, KOZHIKODE., PIN - 673027

BY ADVS. E.A.HARIS  
P.C.NOUSHAD

**RESPONDENT:**

STATE OF KERALA REPRESENTED BY PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA  
ERNAKULAM, PIN - 682031

BY SMT. T.V. NEEMA PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
31.12.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

Dated this the 31<sup>st</sup> day of December, 2021

This is an application filed u/s 438 of Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the accused in O.R No.3/2021 of Nellikkuth Forest Station. The offences alleged are under Sections 27(1)(e)(ii) and (iv) of the Kerala Forest Act.

3. The prosecution case in short is that the petitioner trespassed into the reserved forest and dumped waste material similar to human excreta bundled in sacks in the forest area at Naadukanichuram and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged

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incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. The case records would show that the investigation of the case is almost over. The recovery has been effected. The petitioner has no criminal antecedents. Considering the allegations levelled against the petitioner, the custodial interrogation of the petitioner does not appear to be necessary. For all these reasons, the petitioner is entitled to pre-arrest bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail in the event of his arrest on executing a bond for ₹1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police

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custody for the purpose of discovery, if any, as and when demanded.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court.

Sd/-

**DR. KAUSER EDAPPAGATH**

**JUDGE**

**kp**

**True copy**

P.A. To Judge