

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 22ND DAY OF MARCH 2022 / 1ST CHAITHRA, 1944

BAIL APPL. NO. 8877 OF 2021

Crime OR No.17/2021 of Mandamangalam Forest Station

PETITIONER/ACCUSED:

ABDUL MUHAMMAD P.
AGED 56 YEARS
S/O. ABDULLAKUTTY MUSALIYAR, PANIKKAVEETIL HOUSE,
AVIYOOR P.O, EDAKKARA, CHAVAKKADU, THRISSUR - 68015.

BY ADVS.
AJEESH K.SASI
P.M.RAFIQ
M.REVIKRISHNAN
SRUTHY N. BHAT
POOJA PANKAJ

RESPONDENT/COMPLAINANT:

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

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the 3rd accused in Crime OR No.17/2021 of Mandamangalam Forest Station, Thrissur District alleging commission of offences under Sections 2 (16),(32), 9, 39 (1)(b)(d), 3 (a), 49A (b), 49 B (a) (iii), 50, 51 (1) and 57 of the Wild Life (Protection) Act, 1972 and Sections 7, 24 & 55 of the Biological Diversity Act, 2002.

2. The allegation against the petitioner is that 5.1 Kilograms of Ambergris which is a prohibited item under the Wild Life (Protection) Act was recovered from the possession of accused Nos. 1 & 2. Based on the information received from accused Nos. 1 & 2 the petitioner was also arrayed as 3rd accused in the matter.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter and he has been falsely implicated. It is submitted that the allegations against the petitioner are entirely based on the statements given by accused Nos.1 & 2 which is not sustainable in law. It is submitted that at any rate the custodial interrogation of the petitioner is not necessary in the matter. It is pointed out that the petitioner has no criminal antecedents.

4. The learned Public Prosecutor submits that the statements given by accused persons to Forest officers are not hit by the provisions of the Evidence Act and are admissible in evidence. It is submitted that going by the

information given by accused Nos.1 & 2 in the case the petitioner was clearly involved in illegal transportation of the prohibited items under the Wild Life (Protection Act). It is submitted that the petitioner is to be interrogated and is not entitled to anticipatory bail.

5. Having regard to the facts and circumstances of the case and considering the fact that no criminal antecedents are reported against the petitioner I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

In the result, this bail application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in connection with OR No.17/2021 of Mandamangalam Forest Station subject to the following conditions:-

(i) Petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall report before the Investigating officer in OR No.17/2021 of Mandamangalam Forest Station as and when called upon to do so;

(iii) Petitioner shall not interfere with the investigation or to influence or intimidate any witness in OR No.17/2021 of Mandamangalam Forest Station;

(iv) Petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in OR No.17/2021 of Mandamangalam Forest Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/-
GOPINATH P.
JUDGE

AMG