

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 29TH DAY OF APRIL, 2020 /9TH VAISAKHA, 1942

BA.TMP NO. 192 OF 2020

(Crime No.11 of 2020 of Thaliparamba Forest Range Office)

Petitioner/Accused:

Jabbar, aged 52 years
S/o.Abdulla, Methalepurayil House
Thattummel P.O, Vayakara Amsom
Cherupuzha, Kannur District – 670 511

BY SRI.IEANS C.CHAMAKKALA

Respondents/Complainant & State:

1. State of Kerala – Represented by Public Prosecutor,
High Court of Kerala, Ernakulam. Pin- 682031.
2. The Forest Range Officer
Thaliparamba Forest Range Office
Kannur District- 670 511.

BY PUBLIC PROSECUTOR **SRI.AJITH MURALI**

THIS BA HAVING COME UP FOR ADMISSION ON 29.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C. S. DIAS, J.

B.A. TMP No. 192 of 2020

Dated this the 29th day of April, 2020.

ORDER

This application is filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the 1st accused in OR No.11/2020 of the Forest Range Office, Thaliparamba. The petitioner and the other accused are alleged to have committed offences punishable under Sections 2, 32, 9, 39, 50 & 51 of the Wildlife (Protection) Act, 1972.

3. The prosecution allegation, in brief, is that: on 4.4.2020 the petitioner along with the other accused had hunted and injured a porcupine. The petitioner and the other accused on seeing the Police, fled away from the scene. Thus, the petitioner has committed the above offences.

4. When this Bail Application came up for hearing, the learned counsel for the petitioner submitted that the petitioner is willing to surrender and cooperate with the trial, but he apprehends incarceration. The learned counsel confines his relief for a direction to the learned Magistrate to consider and dispose of the bail application proposed to be filed by the petitioner, on the date of filing itself.

5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor, in exercise of the powers of this Court under Section 482

of the Cr.P.C., I dispose this bail application by directing the Judicial First Class Magistrate, Payyannur, to consider and dispose of the proposed bail application to be filed by the petitioner preferably on the date of filing itself, in accordance with law. I make it clear that, I have not expressed anything on the merits of the matter.

With the above observations, this Bail Application is dismissed.

C. S. DIAS

JUDGE

MMG/29.4.2020