

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.S. DIAS

FRIDAY, THE 24TH DAY OF APRIL 2020/4TH VAISAKHA , 1942

B.A..TMP NO.69 OF 2020

(O R No 1/2020 of Peruvannamuzhi Forest Range,
Kozhikode District)

Petitioner/Accused :-

Vinoy N M, Nellimala House, Muthukad Post,
Peruvannamuzhi (via), Kozhikode- 673528.

By Adv Nidhi Balachandran & Sabu George

Respondents:-

1.State of Kerala represented by the Public
Prosecutor, High Court of Kerala,
Ernakulam-682031.

2.Range Officer, Peruvannamuzhi Forest
Range, Kozhikode-673 526.

BY Public Prosecutor Srl.Amjad Ali

THIS B.A. HAVING BEEN FINALLY HEARD ON 24.04.2020, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

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

2. The petitioner is the 4th accused in OR No. 1/2020 of the Peruvannamuzhi Forest Range. The petitioner along with other accused are alleged to have committed the offences punishable under Sections 3, 39, 50 & 51 of the Wild Life Protection Act.

3. The prosecution case, in brief, is that; a Samba Deer was hunted and killed by the accused in furtherance to their common intention. The accused 1 & 2, who were arrested, confessed that the gun which was used to shoot the deer belonged to the petitioner. Hence the petitioner and other accused have committed the above offence.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor via video-conferencing.

5. The learned counsel for the petitioner argued that the petitioner is absolutely innocent in the entire episode. The petitioner has no connection with the alleged offences. The alleged recovery was from the petitioner's father's residence. The petitioner is not residing in the said house. Hence the petitioner may be granted an order of pre-arrest bail.

6. The learned Public Prosecutor vehemently opposed the application. The learned Public Prosecutor specifically argued that the first and second accused confessed that the gun belongs to the petitioner. The interrogation of the petitioner is necessary for a proper investigation. Hence, she prayed that the application may be dismissed.

7. Having considered the facts and circumstances of the case, particularly the gravity of the offence and that custodial interrogation of the petitioner is necessary, I am

not convinced that this is a fit case to grant an order of pre-arrest bail invoking the extra ordinary powers of this court under Section 438 of Code of Criminal Procedure.

In the result this bail application is dismissed.

C.S.DIAS, JUDGE

SM