

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

FRIDAY, THE 16TH DAY OF DECEMBER 2022 / 25TH AGRAHAYANA, 1944

BAIL APPL. NO. 9874 OF 2022

**O. R. No. 12/2022 of Thamarassery Forest Range Office,
Kozhikode**

PETITIONER/ACCUSED:

SURESH.B @ VAVA SURESH
AGED 49 YEARS
TC 8/207, THERUVILA VEEDU, CHERUVIKKAL,
SREEKARIYAM P.O, THIRUVANANTHAPURAM, PIN - 695017
BY ADV M.R.SARIN

RESPONDENT/STATE:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031
- 2 THE FOREST RANGE OFFICER
FOREST RANGE OFFICE, THAMARASSERY,
KHOZHICODE, PIN - 695303
BY ADVS.
PUBLIC PROSECUTOR
NAGARAJ NARAYANAN

OTHER PRESENT:

PP - SRI. M.C.ASHI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16.12.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

VIJU ABRAHAM, J.

B.A. No.9874 of 2022

Dated this the 16th day of December, 2022

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in O. R. No. 12/2022 of Thamarassery Forest Range Office, Kozhikode, alleging commission of offences punishable under Sections 2, 9, 40 and 51 of the Wild Life Protection Act.

3. The prosecution allegation is that, on 28.11.2022, the accused had displayed a highly poisonous cobra next to the mike while delivering his speech, while attending an event organized at Government Medical College Kozhikode.

4. I have heard the learned Public Prosecutor also.

5. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am of the opinion that custodial interrogation of the petitioner may not be required for the purpose of investigation and only a limited custody be granted for the said purpose. Therefore, I am inclined to grant bail to the petitioner subject to stringent conditions. In the result, this application is allowed. It is directed that the petitioner shall surrender before the investigating officer on 06.01.2023, at 11

a.m, and subject himself for interrogation on that day and on any other day/days as directed by the investigating officer. The petitioner shall co-operate with the investigation. In the event of arrest in O. R. No. 12/2022 of Thamarassery Forest Range Office, Kozhikode, he shall be produced before the jurisdictional Court on the very same day and shall be released on bail, subject to the following conditions:-

(I) The 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) The petitioner shall appear before the investigating officer in O. R. No. 12/2022 of Thamarassery Forest Range Office, Kozhikode as and when summoned to do so;

(iii) The petitioner shall not attempt to contact the *defacto* complainant or interfere with the investigation or to influence or intimidate any witness in O. R. No. 12/2022 of Thamarassery Forest Range Office, Kozhikode;

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

If any of the aforesaid conditions are violated, the investigating officer in O. R. No. 12/2022 of Thamarassery Forest Range Office, Kozhikode may file an application before the jurisdictional Court, for cancellation of bail.

It is made clear that it is within the power of the police to investigate the matter and if necessary to effect recoveries on the information if any given by the petitioner, even when the petitioner is on bail as per the judgment of the Apex Court in **Sushila Aggarwal and others v. State(NCT of Delhi) and another(2020(1)KHC 663)**.

Sd/-
VIJU ABRAHAM
JUDGE

sm/