

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH**

**TUESDAY, THE 19<sup>TH</sup> DAY OF APRIL 2022 / 29TH CHAITHRA, 1944**

**BAIL APPL. NO. 2497 OF 2022**

**CRIME NO.1/2022 OF KAVARATHI POLICE STATION, Lakshadweep**

**PETITIONERS/ ACCUSED 2 AND 3:**

- 1 MOHAMMED RAIS MELAYILLAM  
AGED 28 YEARS  
SON OF MUHSIN, MELAYILLAM HOUSE, AGATTI ISLAND,  
UNION TERRITORY OF LAKSHADWEEP- 682 553, PIN - 682553
- 2 HASSAINAR M.I  
AGED 34 YEARS  
SON OF P MUTHUKOYA, MEPATTA ILLAM HOUSE,  
AGATTI ISLAND, UNION TERRITORY OF LAKSHADWEEP- 682 553, PIN -  
682553  
  
BY ADVS.  
T.MADHU  
C.R.SARADAMANI  
SHAHID AZEEZ  
RENJISH S. MENON  
T.P.NISHAD KHAN

**RESPONDENTS/STATE:**

- 1 THE UNION TERRITORY OF LAKSHADWEEP  
REPRESENTED BY ITS STANDING COUNSEL , HIGH COURT OF KERALA,  
ERNAKULAM., PIN - 681031
- 2 THE FOREST RANGE OFFICER  
KAVARATTI FOREST RANGE OFFICE,  
UNION TERRITORY OF LAKSHADWEEP., PIN - 682553  
  
BY ADV SAJITH KUMAR. V

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Bail Appl. Nos. 2497 of 2022 &  
2443 of 2022.

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH**

**TUESDAY, THE 19<sup>TH</sup> DAY OF APRIL 2022 / 29TH CHAITHRA, 1944**

**BAIL APPL. NO. 2443 OF 2022**

**CRIME NO.1/2022 OF KAVARATHI POLICE STATION, Lakshadweep**

**PETITIONERS/ACCUSED (A4 TO A7):**

- 1 SURESH A  
AGED 42 YEARS  
S/O AAROGYA SAMI,  
HOUSE NO.121, TSUNAMI COLONY,  
RAMDAS NAGAR,  
THALAMUTH NAGAR,  
THOOTHUKUDY,  
TAMILNADU, PIN - 628001
- 2 JESU NASAREN SAKKARIYAR  
AGED 36 YEARS  
S/O SAKKARIYA,  
C 31D, SINDIDURAI KARUPADIYAR,  
PALLIVATTAM, KAYALPATTANAM,  
THOOTHUKUDI, TRUCHENDUR,  
TAMIL NADU, PIN - 682204
- 3 PONISIS RAJA  
AGED 36 YEARS  
S/O. RAYAPPAN,  
11/547 KUDISAIMARRUVARRIYAM,  
RAMDASS NAGAR, SILLUVAIPATTI,  
THOOTHUKUDI, MELUR TUTICORN,  
TAMIL NADU, PIN - 682002

ARULANANTHU XEVIYAR

Bail Appl. Nos. 2497 of 2022 &  
2443 of 2022.

- 4      AGED 30 YEARS  
         S/O. PACKIAM,  
         ¾ ANTHONIYAPURAM,  
         TALUK MANAMELKUDI, PUDUKKOTAI,  
         TAMIL NADU, PIN - 682620
- BY ADVS.  
         SAIBY JOSE KIDANGOOR  
         BENNY ANTONY PAREL  
         P.M.MOHAMMED SALIH  
         PRAMITHA AUGUSTINE  
         ANOOP SEBASTIAN  
         ADITHYA KIRAN V.E  
         IRINE MATHEW  
         ANJALI NAIR

**RESPONDENTS/STATE & COMPLAINANT:**

- 1      THE ADMINISTRATOR, U.T. OF LAKSHADWEEP  
         REP. BY ITS STANDING COUNSEL  
         HIGH COURT OF KERALA,  
         ERNAKULAM, PIN - 682013
- 2      FORESTER AND OIC  
         KAVARATHI FOREST RANGE OFFICE,  
         DEPARTMENT OF ENVIRONMENT & FOREST,  
         KAVARATHI ISLAND,  
         UT OF LAKSHADWEEP, PIN - 682555
- BY ADV Sajith Kumar V.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
19.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Bail Appl. Nos. 2497 of 2022 &  
2443 of 2022.

## **O R D E R**

**Dated this the 19<sup>th</sup> day of April, 2022.**

Both these applications are filed u/s 439 of Code of Criminal Procedure seeking regular bail by the accused Nos.2 to 7 in WLOR (Kvt) 1/2022 of Kavarathi Forest Range Office.

2. The Bail Application No. 2443 of 2022 has been filed by the accused Nos. 4 to 7 and the Bail Application No. 2497 of 2022 has been filed by the accused No. 2 and 3. The offences alleged against the petitioners are under Sections 9, 39(3)(a), 44, 48 (A), 51, 52 & 56 of the Wild Life Protection Act, 1972 and Sections 23, 120A, 120(B)(2), 378, 410, 413, 414 & 425 of Indian Penal Code.

3. I have heard the learned counsel for the

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petitioners and the learned Standing Counsel for the Lakshadweep Administration.

4. The prosecution case in short is that on 22.02.2022 at 7.40 hours, the Indian Coast Guard Ship apprehended a boat by name 'Blue Water' and from the above boat, a satellite phone kept in hidden place was recovered. On interrogation, the crews of the boat admitted that they were for a scheduled shipment of contraband of sea cucumber from Lakshadweep boat. At 13.30 hours, the boat by name Zulfiker approached the boat by name Blue Water for delivering contrabands and 30 live sea cucumbers were confiscated.

5. Heard both sides and perused the case diary.

6. The learned counsel for the petitioners submitted that the petitioners are absolutely innocent and they have been falsely implicated in the present case. He further submitted that there are no materials to

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2443 of 2022.

connect the petitioners with the alleged crime and hence they are entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioners and if the petitioners are released on bail at this stage, it would affect the course of investigation.

7. Perusal of the case diary would reveal that *prima facie* there are materials on record to connect the petitioners with the crime. However, the petitioners were remanded to judicial custody on 24.02.2022. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioners is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioners are entitled to be released on bail on conditions.

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2443 of 2022.

In the result, these applications are allowed on the following conditions:-

(i) The petitioners shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court. The petitioners in the Bail Application No. 2443 of 2022 shall offer sureties from the Lakshadweep Islands.

(ii) The petitioners shall fully co-operate with the investigation.

(iii) The petitioners in the Bail Application No. 2497 of 2022 shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioners in the Bail Application No. 2443 of 2022 shall appear before the investigating officer as and when required by him.

(iv) The petitioners shall not commit any offence of

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like nature while on bail.

(v) The petitioners 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.

**Sd/-  
DR. KAUSER EDAPPAGATH  
JUDGE**

Raj/19.04.2022.



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2443 of 2022.

**APPENDIX OF BAIL APPL. 2497/2022**

**PETITIONER ANNEXURES**

- |             |   |
|-------------|---|
| Annexure A1 | THE TRUE COPY OF THE WILD LIFE OFFENCE<br>REPORT DATED NIL RECORDED BY THE<br>FORESTER, FOREST RANGE OFFICE,<br>KAVARATTI, UNION TERRITORY OF<br>LAKSHADWEEP        |
| Annexure A2 | THE TRUE COPY OF THE STATEMENT DATED<br>3/3/2022 GIVEN BY THE FIRST PETITIONER<br>BEFORE THE LEARNED JUDICIAL FIRST<br>CLASS MAGISTRATE'S COURT, ANDROTT            |
| Annexure A3 | THE TRUE COPY OF THE STATEMENT DATED<br>3/3/2022 GIVEN BY THE SECOND<br>PETITIONER BEFORE THE LEARNED JUDICIAL<br>FIRST CLASS MAGISTRATE'S COURT,<br>ANDROTT        |
| Annexure A4 | THE TRUE COPY OF THE ORDER DATED<br>17/3/2022 IN CRL.M.P.NO.12/2022 ON THE<br>FILES OF THE LEARNED SESSION'S COURT,<br>KAVARATTI, UNION TERRITORY OF<br>LAKSHADWEEP |
| Annexure A5 | THE TRUE COPY OF THE NOTIFICATION<br>DATED 17/11/2020 ISSUED BY THE<br>GOVERNMENT OF INDIA, LAKSHADWEEP<br>ADMINISTRATION   |

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**APPENDIX OF BAIL APPL. 2443/2022**

**PETITIONER ANNEXURES**

AnnexureA	TRUE COPY OF THE WILDLIFE OFFENCE REPORT CASE NO. WLOR(KVT) 1/2022 REGISTERED BY FORESTER AND OFFICER IN CHARGE, KAVARATHI RANGE, U.T. OF LAKSHADWEEP
AnnexureB	TRUE COPY OF THE ORDER IN CRL. M P NO: 11/2022 DATED 17.03.2022