

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-III  
PERUMBAVOOR**

**Present : Sri. Sharath Kumar K.J., Judicial First Class Magistrate-III**

Wednesday, the 30<sup>th</sup> day of April, 2025/10<sup>th</sup> day of Vaisakha 1947

**CMP No. 951/2025**

in

OR.No.04/2025 of Mekkappala Forest Station

|                    |   |                                                                                                                                                                   |
|--------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Petitioner/Accused | : | Hirandas V. M. @ Vedan, aged 30/25,<br>S/o. Murali V.M., Vadakkepurayil house,<br>Mulagunnathukavu P.O., Thrissur,<br>(By Adv. Jos Jewel)                         |
| Respondent         | : | State of Kerala represented by the Range<br>Forest Officer, Kodanad Range<br>(OR. No.04/2025 of Mekkappala Forest<br>Station)<br>(By APP, JFCMC-III, Perumbavoor) |
| Offence            | : | U/s. 51 of the Wild Life (Protection) Act,<br>1972                                                                                                                |

**ORDER**

1. The bail application is preferred under section 439 of CrPC / 483 of the BNSS. Even though the application is not filed as per the prescribed provision of law, in the interest of justice the above petition is otherwise considered on merits.
2. The accused, Hiran Das V.M was arrested on 29/04/2025 and produced before this court for offence under section 51 of the Wildlife Protection Act, 1972, for unauthorized possession of alleged leopard tooth, ( Panthera Pardus).

3. In the bail application, it is submitted that the present case has been falsely foisted against the petitioner with an ulterior motive. It is further stated that the article in question was gifted to the petitioner by a fan after an event in Chennai. The petitioner maintains that no offense has been committed and expresses willingness to comply with any condition that may be imposed by the Hon'ble Court.
4. The above bail application was filed on 29/04/2025 and initially posted for hearing on 02/05/2025. Meanwhile, on the same day, the prosecution filed a custody application, and custody was granted from 3:00 PM on 29/04/2025 to 5:00 PM on 30/04/2025. The petitioner was returned from police custody at around 2:30 PM on 30/04/2025. A petition to advance the bail application was subsequently filed, and a copy was served to the Learned Assistant Public Prosecutor.
5. The report is also subsequently filed today. Learned Assistant Public Prosecutor was provided an opportunity to oppose the bail application, and submissions have been duly considered.
6. As per the custody return report, the investigation is ongoing. It is stated by the prosecution that, based on the petitioner's statement, the article was received from a fan in Chennai during an award ceremony. Prosecution further submits that, the credibility of the petitioner's statement is doubted, and the said individual has not yet been apprehended. It is also submitted by the prosecution that, given the petitioner's popularity as a rap artist, there is a concern that he may abscond, tamper with evidence, or aid the co-accused in evading the law. Therefore, the prosecution has sought to remand him to judicial custody. The same contentions are reiterated in the report opposing the bail application. No fresh custody application is also seen filed.

The Learned Assistant Public Prosecutor and counsel for the petitioner were heard. While considering bail in such cases, two mandatory conditions must be satisfied under section 51A of the Wildlife Protection Act, 1972. First, the prosecutor must be given a reasonable opportunity to oppose the application; second, the court must be satisfied that there are reasonable grounds to believe the accused is not guilty and is unlikely to commit any further offence while on bail.

8. The counsel for the petitioner submitted that the petitioner is innocent of the allegations made against him. It is admitted that the alleged article was received from a fan; however, the petitioner asserts that he is unaware of whether it is, in fact, a genuine leopard tooth.
  
9. It appears from the allegations that the petitioner was in possession of what is suspected to be a leopard tooth, an item classified under Schedule I of the Wildlife Protection Act, 1972. The item was not concealed and was publicly displayed during his performances. There is no allegation suggesting the petitioner's involvement in the hunting or extraction of the article from the animal. It is not even clear *prima facie*, whether the alleged article is an actual tooth from a leopard. Nevertheless, mere possession of a leopard tooth constitutes a serious offence under the Act and poses a significant threat to wildlife conservation efforts. Although the petitioner contends that he lacked *mens rea*, the offence under the Act is one of strict liability, where possession alone is sufficient to attract penal consequences. The burden is on the accused to show that he is innocent.
  
10. The report indicates that the petitioner has no criminal antecedents, except for a single case involving possession of a small quantity of ganja. He has no prior involvement in offences of a similar nature. The alleged leopard tooth has already been seized.

11. Though the alleged offences are prima facie serious in nature, a perusal of the custody return report and the prosecution's objections to bail reveals that the petitioner's remand is primarily sought to prevent tampering with evidence, intimidation of witnesses, absconding, and assisting others in evading the law. It is also submitted that further investigation is to be done to see whether the petitioner is involved in hunting. But no additional custody application is seen filed.
12. Upon hearing the counsel for the petitioner, it seen that the petitioner was initially arrested with offence for having possession of small quantity of Ganja. It is stated by the petitioner that he was arrested by hill palace police station and while he was detained in connection with the same, it was noticed that he was wearing a necklace having a pendant containing alleged leopard tooth. The petitioner's counsel alleges that the petitioner is not aware whether it is actually a leopard tooth. That it could be of some other material. Till date, there is nothing to show that the confiscated article is actually a leopard tooth. The petitioner is a 30 year old popular rap artist who has no prior antecedents other than what is already stated.
13. Now, regarding the twin conditions, the prosecution's submissions have been duly recorded and considered, thereby satisfying the first condition under Section 51 A of the act. At this stage, the prosecution's case is based solely on the recovery of the alleged leopard tooth, with no evidence linking the petitioner to hunting, trading, or unlawful acquisition of the article. He has no prior involvement in similar offences, and there remains a real possibility that the possession was neither wilful nor mala fide, or that the article may not, in fact, be a genuine leopard tooth. While forensic analysis may determine the authenticity of the article, the current materials do not establish a strong prima facie case against the petitioner. Given the isolated nature of the incident and

the petitioner's expressed willingness to comply with any bail conditions, the likelihood of him committing further wildlife-related offences appears minimal.

14. While the Wildlife Protection Act, 1972 serves the vital purpose of safeguarding wildlife, the principles of fairness, proportionality, and individual liberty must guide bail orders. There is a need to balance conservation efforts with the fundamental rights of an individual. Bail cannot be denied solely on the gravity of the alleged offence in the absence of compelling evidence or possibility of interference with the investigation. To do so would undermine the presumption of innocence and violate the petitioner's right to personal liberty guaranteed under Article 21 of the Constitution.

15. In view of the foregoing analysis, this court deems it just and proper to release the accused on bail, subject to stringent conditions to safeguard the investigation and public interest :-

- a. The petitioner/ accused shall execute a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only ) with two sureties of like amount, both of whom shall be solvent to the satisfaction of this court.
- b. The petitioner/ accused shall surrender his passport, if any, with this court. If the accused is not having a valid passport, he shall file an affidavit within 7 days of executing the bond clarifying the same.
- c. The petitioner/ accused shall report to the Range Forest Officer, Kodanad every Thursdays between 10:00 A.M and 1:00 P.M for 2 months or till the Form II Report / Chargesheet is filed.

- d. The petitioner/ accused shall not, directly or indirectly, tamper with evidence, contact officials involved in the case, except as required by law or influence or intimidate any potential witnesses.
- e. The petitioner/ accused shall not leave the State of Kerala, without prior permission from this court.
- f. The petitioner/ accused shall appear before the Investigating Officer as and when summoned and shall fully cooperate with the ongoing investigation.
- g. If the petitioner/ accused violates any of these conditions, the Investigation officer can file an application for cancellation of bail.

Pronounced in the open Court on this the 30<sup>th</sup> day of April 2025

Sd/-  
Judicial First Class Magistrate-III  
Perumbavoor

||True Copy||

Judicial First Class Magistrate-III  
Perumbavoor