

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Bail Appl.No. 1 of 2015

CRIME NO. 670/2014 OF PAYANGADI POLICE STATION, KANNUR
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PETITIONER(S)/ACCUSED:

**THANVEER AHAMMED, AGED 36 YEARS,
S/O MUHAMMED, BILAVINTAKATH HOUSE, PAYANGADI P.O.,
MADAI AMSOM, KANNUR TALUK, KANNUR DISTRICT**

**BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, THROUGH S.H.O.
PAYANGADI POLICE STATION, KANNUR DISTRICT**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 1 of 2015

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Dated this the 6th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. According to the petitioner, he is apprehending arrest in connection with Crime No.670/2014 of the Pazhayangadi Police Station, Kannur District registered for the offences punishable under Sections 447 and 427 IPC and Section 3(2) of PDPP Act.

3. The allegation against the petitioner is that he has demolished the water tank of the Kerala Water Authority with the aid of a JCB at 5 p.m. on 02.07.2014, thereby causing a wrongful loss of ₹10 lakhs to the Kerala Water Authority.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. At the first instance, the learned counsel for the petitioner

has submitted that no complaint was preferred by the Kerala Water Authority. At the same time, the contents of the C.D reveal that a specific complaint to that effect has been preferred by the Assistant Engineer of the Kerala Water Authority. Another argument made by the learned counsel for the petitioner is that the property belongs to the Kovilakam and the Kerala Water Authority has no right over the property. It has been reported that around 60 years back, the land was surrendered by the Kovilakam for the construction of the water tank by the Kerala Water Authority where a huge tank was constructed and water was being supplied to the public. Presently, it seems that for making undue enrichment by removing the water tank from there, the petitioner has demolished the water tank and constructed another water tank in a different site and gave water connection from that water tank. Considering the facts and circumstances of the case, and the seriousness of the allegations against the petitioner, I do not think that this is a fit

case wherein anticipatory bail can be granted.

In the result, this Bail Application is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

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P.A to Judge