

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 27 of 2015 ()

CRIME NO. 1525/2014 OF MALAPPURAM POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/2ND ACCUSED :

**UMMER K.P., AGED 34 YEARS
KOZHINJIPARAMBIL HOUSE, WEST KODUR, KODUR P.O
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT/COMPLAINANT :

**THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM 682 031.
(IN CRIME NO.1525/2014 MALAPPURAM POLICE STATION
IN MALAPPURAM DISTRICT)**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

B.A.No.27 of 2015 C

Dated this the 14th day of January 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner, is the second accused in Crime No.1525 of 2014 of Malappuram Police Station registered for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code and Sections 20 and 23(A) read with Section 25 of the Kerala Protection of River Banks and Regulation of Removal of Sand Amendment Act, 2013.

4. The allegation against the petitioner is that on 31.12.2014 at 12.30 a.m., he was found transporting sand, by lorry bearing Reg. No.KL-10-T-5733 and that the said sand was illegally collected, without any authority. On seeing the police, the

petitioner ran away from the spot after leaving the lorry with the load of sand.

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

5. The investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. There is nothing to be recovered from the petitioner, as the lorry and the sand have been seized. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer

conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 21.1.2015 for a period of three months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

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

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge