

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 28 of 2015 ()

CRIME NO. 1048/2014 OF KONDOTTY POLICE STATION, MALAPPURAM DIST.

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PETITIONER/ACCUSED:

FIROZ. M., AGED 35 YEARS,
S/O.MOHAMMED HAJI, MULLAN HOUSE,
AKKARPPARAMBU P.O., KUZHIMANNA AMSOM AND DESOM,
ERNAD TALUK, 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. 1048/2014 OF KONDOTTY POLICE STATION,
MALAPPURAM DISTRICT).

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

B.KEMAL PASHA, J.

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B.A. No. 28 of 2015

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Dated this the 15th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1048 of 2014 of the Kondotty Police Station registered for the offences punishable under Section 379 IPC and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 12.10.2014 at 06.05 a.m., he was found transporting sand illegally collected from the river without any licence or authorization by a lorry bearing Reg.No.KL-11-W-3942. On seeing the Police party, he ran away from the spot after leaving the lorry and the sand.

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

5. No criminal antecedents have been reported

against the petitioner. It seems that the sand illegally collected and the vehicle, have been seized in the case. Investigation of the case is practically over. Custodial interrogation of the petitioner is not required in the matter as there is nothing more to be recovered. Considering the facts and circumstances of the case and the absence of any criminal antecedents on his part, 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 Thursdays and Mondays commencing from 22.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(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

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PA to Judge