IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl..No. 34 of 2015 ()

CRIME NO. 1005/2014 OF KOTTAKKAL POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

SAHEER KADAVATH, AGED 35 YEARS,
S/O.MUHAMMED KADAVATH , KADAVATH HOUSE,
OTHUKKUNGAL P. O., MALAPPURAM DIST

BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH

RESPONDENTS/STATE & COMPLAINANT :

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1. THE STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-682031

2. THE SUB INSPECTOR OF POLICE,
KOTTAKKAL POLICE STATION, MALAPPURAM DISTIRCT
PIN-676503

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

bp

B.KEMAL PASHA, J.

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B.A. No.34 of 2015

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Dated this the 10th day of February, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1005 of 2014 of the Kottakkal 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 10.12.2014 at 3.45 p.m., he was found transporting sand illegally collected from the river without any licence or authorization by a lorry bearing Reg.No.KL-07-K-509. On

seeing the Police party, he got down from the vehicle and ran away from the spot. The vehicle and the sand were recovered.

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 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 ₹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 Tuesdays and Fridays commencing from 17.02.2015 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

DSV/10/2/15

// True Copy //
P.A. To Judge