

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 58 of 2015

CRIME NO. 1638/2014 OF RANNI POLICE STATION , PATHANAMTITTA

PETITIONER/ACCUSED:

**RAJU K.THOMAS, AGED 60 YEARS,
S/O.THOMAS, MANAGING DIRECTOR,
VIMROCK GRANITES PVT LTD, THEKKUMALA,
VASASSERIKKARA VILLAGE, RANNI TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT/STATE/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031,
(CRIME NO 1638/14 RANNI POLICE STATION,
PATHANAMTHITTA DISTRICT).**

BY PUBLIC PROSECUTOR SMT.MADHUBEN. M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

SUNIL THOMAS, J.

B.A. No.58 OF 2015

Dated this the 14^h day of July, 2015

O R D E R

The petitioner stands indicted as the sole accused in Crime No.1638/2014 of Ranni Police station for offences punishable under Sections 4 & 21 of MMRD Act 1957 and Section 379 IPC.

2. The allegation of the prosecution is that the petitioner, with the intention to commit stealing, trespassed into the Government Puramboku land comprised in re-survey No.391/1 in Block No.31 of Vadasserikkara Village and blasted granite unauthorizedly. Thereafter, the crime was registered. Apprehending arrest, the petitioner has sought for pre- arrest bail.

3. Head and perused the record.

4. It appears that the petitioner was a licensee for blasting granite and even according to him, he is conducting the blasting operation in 15 acres of land engaging about 300 persons under the name and style of a company. However, the crime is regarding the alleged illegal quarrying in the government land. Pending the criminal proceedings, it is seen that the senior

geologist of the Mining and Geology Department has conducted a survey of the area and assessed the quantity of granite alleged to have been illegally quarried. A penalty of Rs.2,93,380/- was assessed, which, according to the petitioner, has been remitted in the Government Treasury. Correspondence dated 4/2/2015 regarding the above remittance and a challan in relation to the above is submitted before the court for perusal. Even without going into the above aspect, it appears that the details of the area allegedly trespassed by the petitioner is brought on record. There is no thing to show that any material can be collected by a custodial interrogation of the petitioner herein. Hence, in the above facts and circumstances, I feel that it is not essential to have a custodial interrogation of the petitioner and bail can be granted to him subject to the following conditions:

i). The petitioner shall appear before the Investigating Officer on 23/7/2015 between 9 and 10 a.m. He shall undergo interrogation and thereafter he shall be released on bail on he executing a bond for a sum of Rs.35,000/- (Rupees Thirty Five thousand only) with two sureties for the like sum each.

ii). The petitioner shall appear before the Investigating officer on all Fridays between 9 and 10 a.m., for a period of one

month from the date of execution of bond as mentioned above.

iii). He shall not get involved in any other identical offence and shall not, in any manner, interfere in the process of investigation or intimidate the de facto complainant and the witnesses.

The petition is allowed as above.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

