

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 78 of 2015

CRIME NO. 1572/2014 OF TIRUR POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED :

**ABEESH, AGED 25 YEARS,
S/O.BHASKARAN, CHETTIYAR VALAPPIL HOUSE,
PUTHUPALLY P.O., TIRUR TALUK, PIN - 676 102.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S)/STATE AND COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, MALAPPURAM DISTRICT, PIN - 676 101.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

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B.A. No. 78 of 2015

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Dated this the 19th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.1572 of 2014 of Tirur Police Station, Malappuram, registered for the offences punishable under Sections 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 24.11.2014 at 5.00 pm, he was found transporting sand illegally collected from the river without any licence or authorization by a vehicle bearing Reg.No. KL-13C-5051. 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 the learned counsel for the petitioner and the 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.

6. 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 9.00 am and 11 am on all Mondays and Thursdays commencing from 26.01.2015 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

das

// True copy //

PA to Judge