

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl..No. 100 of 2015 ()

CRIME NO. 601/2014 OF VENGARA POLICE STATION,MALAPPURAM DISTRICT

PETITIONER(S)/2ND &3RD ACCUSED:

- 1. ABDUL MAJEED,
S/O.MUHAMMEDKUTTY, AGED 40 YEARS,
KUTTIKKATTIL HOUSE,
PARAPPUR P.O.,MALAPPURAM DISTRICT.**
- 2. ABOOBACKER, S/O.MAMMIKUTTY, AGED 38 YEARS,
THEKKIL HOUSE, PARAPPUR P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B. KEMAL PASHA, J.

.....
B.A. No.100 of 2015
.....

Dated this the 23rd day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 and 3 in Crime No.601/2014 of Vengara Police Station, Malappuram district 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 petitioners is that on 30.12.2014 at 1.10 a.m., they were found transporting sand illegally collected from the river without any licence, by lorry bearing registration No.KL-13S-1333. On seeing the police party, they stopped the lorry and ran away. The lorry and the sand have been seized.

4. Heard learned counsel for the petitioners and learned Public Prosecutor.

5. The learned Public Prosecutor has pointed out that the 2<sup>nd</sup> petitioner is not an accused in the crime. Therefore, as far as the 2<sup>nd</sup> petitioner is concerned, this bail application is dismissed. No criminal antecedents have been reported against the 1<sup>st</sup> petitioner. The investigation of this case is practically over. As the lorry and the sand have been recovered and seized, there is nothing more to be recovered from the 1<sup>st</sup> petitioner. On going through the contents of the CD and the present stage of investigation, I do not think that the custodial interrogation of the 1<sup>st</sup> petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the 1<sup>st</sup> petitioner.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the 1<sup>st</sup> petitioner, is directed to enlarge him 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 each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

*(i) The 1<sup>st</sup> petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 30.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) The 1<sup>st</sup> petitioner shall not tamper with the evidence or influence witnesses.*

*(iii) The 1<sup>st</sup> petitioner shall make himself available for interrogation as and when required by the investigating officer.*

*(iv) The 1<sup>st</sup> 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)**