

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No. 169 of 2015 ()

CRIME NO. 4/2015 OF CHERUPPULASSERY POLICE STATION, PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED NO. 1 TO 3:

1. MOHAMMED ASHRAF, S/O.MOIDUTTY, AGED 27 YEARS,
KIZHANGUM MUNDAYIL HOUSE,EZHUVANTHALA P.O.,
OTTAPALAM TALUK, PALAKKAD DISTRICT.
2. ABDUL KHADER, S/O.MOIDUTTY, AGED 24 YEARS,
KIZHANGUM MUNDAYIL HOUSE,EZHUVANTHALA P.O.,
OTTAPALAM TALUK, PALAKKAD DISTRICT.
3. AHAMMED KABEER, S/O.MOIDUTTY, AGED 32 YEARS,
KIZHANGUM MUNDAYIL HOUSE,EZHUVANTHALA P.O.,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM,
THROUGH SUB INSPECTOR OF POLICE,
CHERUPPULASSERY POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B. KEMAL PASHA, J.

.....
B.A. No.169 2015
.....

Dated this the 20th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.4/2015 of Cherpulassery Police Station registered for the offences punishable under Sections 353 and 308 IPC, Section 3(1) of the PDPP Act, 1984 and Section 4(1)A read with Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

3. On 01.01.2015 at 6.30 p.m., a tipper lorry bearing registration No.KL-22B-5400 loaded with soil was seen proceeding through the road. The police party chased the vehicle. Then, A1, who was driving the vehicle, stopped the vehicle and ran away from the spot, after leaving the lorry loaded with the soil. The lorry moved backwards and then, the driver of the police jeep swerved the jeep to

another direction.

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

5. The contents of the CD do not invite any of the offences punishable under Sections 353 IPC, 308 IPC or Section 3(1) of the PDPP Act. No criminal antecedents have been reported against the petitioner. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners 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 petitioners on conditions.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 27.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners 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)

aks/20/02

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PA to Judge