

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Bail Appl..No. 211 of 2015 ()

CRIME NO. 15/2015 OF VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/2ND ACCUSED :

**JUBAIR P.,
S/O. MUHAMMED, AGED 28 YEARS
MANANTHALA HOUSE, CHEEKODE P.O.
MALAPKURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
VAZHAKKAD POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

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B.A. No.211 of 2015

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Dated this the 9th day of February, 2015

ORDER

Petition filed under Section 438 Cr.PC.

2. Petitioner is the 2nd accused in Crime No.15 of 2015 of the Vazhakkad Police Station registered for the offences punishable under Section 379 read with Section 34 IPC and Sections 12, and 23 read with Section 20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner and the other accused is that on 05.01.2015 at 8.15 a.m., they were found transporting sand illegally collected from the river without

any licence or authorization by a mini lorry bearing Reg.No.KL-11-V-6776. A1 was arrested on the spot. On seeing the Police party, A2 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 Mondays and Thursdays commencing from 16.02.2015 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/9/2/15

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P.A. To Judge