

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 219 of 2015

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CRIME NUMBER NOT KNOWN OF THE AREACODE POLICE STATION,
MALAPPURAM DISTRICT.**

PETITIONER/ACCUSED:

**SHAMSUDHEEN K.K.,
S/O.SAIDALAVI, AGED 25 YEARS,
MUTHALAM HOUSE, VADASSERY,
PANNIPARA, AREACODE, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
MALAPPURAM DISTRICT, PIN - 673639.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.219 of 2015
.....

Dated this the 30th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.19 of 2015 of the Areacode Police Station, Malappuram registered for the offences punishable under Section 379 IPC and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The case of the prosecution is that while the complainant was on patrol duty, on 07.01.2015 he saw someone is transporting sand illegally collected from the river without any licence or authorization. On seeing the complainant, the driver of the lorry ran away from the spot

after leaving the vehicle and the sand.

4. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the CD.

5. According to the investigating officer the petitioner is the owner of the vehicle. 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 a 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 Fridays and Tuesdays commencing from 06.02.2015 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

B.A.No.219 of 2015

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conditions stipulated above will result in the cancellation of
bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge