

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Bail Appl..No. 241 of 2015 ()

**CRIME NO. 1773/2014 OF PARAPPANGADI POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED 2 & 3 :

- 1. KALATHINGAL UBAID, AGED 32 YEARS,
S/O.AZEEZ, KALATHINGAL HOUSE, KADALUNDI NAGARAM P.O.,
MALAPPURAM DISTRICT**
- 2. CHULLIYIL BASHEER, AGED 45 YEARS,
S/O.KUTTYAVA, CHULLIYIL HOUSE, KADALUNDI NAGARAM P.O.,
MALAPPURAM DISTRICT**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No. 241 of 2015

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Dated this the 20th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.1773 of 2014 of the Parappanangadi Police Station registered for the offences punishable under Sections 379 and 482 read with Section 34 IPC and Section 23 A read with Section 25 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioners is that on 16.12.2014 at 7.10 a.m., they were found transporting sand illegally collected from the river without any licence or authorization by a blue Ape Auto Rickshaw without exhibiting its registration number. On seeing the Police party, they ran away from the spot after leaving the vehicle and the sand.

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

5. The learned Public Prosecutor has pointed out that the 1st petitioner is involved in two other cases for similar offences. Matters being so, he is not entitled to the discretionary relief of anticipatory bail. At the same time, no criminal antecedents have been reported against the 2nd 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 2nd 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 the part of the 2nd petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the 2nd petitioner.

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 2nd petitioner, is directed to enlarge the 2nd 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 2nd petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 27.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The 2nd petitioner shall not tamper with the evidence or influence witnesses.

(iii) The 2nd petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The 2nd 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.

This bail application, as far as the 1st petitioner is concerned, is dismissed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/20/1/15

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P.A. To Judge