

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. 252 of 2015)

CRIME NO. 587/2014 OF VENGARA POLICE STATION, MALAPPURAM DISTRICT.

PETITIONER(S)/ACCUSED NOS. 2 & 3:

- 1. AYOOB K.P, S/O.KUNHIMOHAMMED,
AGED 26 YEARS, KOTTIPARA HOUSE,
VENGARA, MALAPPURAM DISTRICT.**
- 2. SINAN, S/O.ABDU RAHIMAN,
AGED 20 YEARS, EDAKANDAN HOUSE,
PARAPOOR, VENGARA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VENGARA POLICE STATION,
MALAPPURAM DISTRICT, PIN - 676 304.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

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

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.252 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.3 and 2 in Crime No.587/2014 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 28.12.2014 at 1.15 a.m., they were found transporting sand illegally collected from the river without any licence, by lorry bearing registration No.KL-10A-1981. 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. No criminal antecedents have been reported against the petitioners. 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 petitioners. On going through the contents of the CD and the present stage of investigation, 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.

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 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 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/23/01

*// True Copy //*

*PA to Judge*