

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 322 of 2015 ()

CRIME NO. 22/2015 OF VAZHAKKAD POLICE STATION, MALAPPURAM DIST.

.....

PETITIONERS/ACCUSED:

- 1. SAVAD, S/O. SAINUDHEEN,
AGED 26 YEARS, KIZHAKKETHODI HOUSE,
KUNYIL, KEEZHUPARAMBU, MALAPPURAM DISTRICT.**
- 2. SHAMSUDHEEN, S/O SALAHUDHEEN,
AGED 31 YEARS, KODIYATHOORMANNIL HOUSE,
KUNYIL, KEEZHUPARAMBU, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE AND 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,
VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.322 of 2015
.....

Dated this the 29th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.22 of 2015 of the Vazhakkad Police Station, Malappuram 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 06.01.2015 at 08.15 p.m., they were found transporting sand illegally collected from the river without any licence or authorization by a tipper lorry bearing registration No.KL-13-M-8312. 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. No criminal antecedents have been reported against the petitioners. 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 petitioners 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 their part, 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 Thursdays and Mondays commencing from 05.02.2015 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

ul/-

[True copy]

P.S. to Judge