

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 380 of 2015 ()

CRIME NO. 36/2015 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONERS/ACCUSED:

- 1. RAJESH, AGED 20 YEARS,
S/O. RAJAN, VETTARAM NAMBRATH HOUSE,
PUTHUPALLY P.O., TIRUR TALUK, MALAPPURAM - 676 102.**
- 2. RIYAS, AGED 21 YEARS, S/O. SULAIMAN,
KUNDANIYIL HOUSE, PUTHUPALLY P.O.,
TIRUR TALUK, MALAPPURAM - 676 102.**

**BY ADVS.SRI.K.M.FIROZ,
SMT.M.SHAJNA,
SRI.S.KANNAN.**

RESPONDENTS/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, MALAPPURAM DISTRICT- 676 101.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

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

rs.

B. KEMAL PASHA, J.

.....
B.A. No.380 of 2015
.....

Dated this the 2nd day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.36/2015 of Tirur 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 07.01.2015 they were found transporting sand illegally collected from the river without any licence, by vehicle bearing registration No.KL-10D-8228. 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 Mondays and Thursdays, commencing from 09.02.2015 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)

aks/02/02

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PA to Judge