

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. 392 of 2015

CRIME NO. 19/2015 OF KOLATHUR POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

**PRADEESH, AGED 37 YEARS,
S/O.AYYAPPAN, KUZHAMPARAMBIL HOUSE,
CHEMMALASSERY P.O., CHEMALA, PERINTHALMANNA,
MALAPPURAM DISTRICT**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.392 of 2015
.....

Dated this the 23rd day of January, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.19 of 2015 of the Kolathur Police Station, Malappuram registered for the offences punishable under Section 379 of the Indian Penal Code 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 petitioner and the other accused is that on 08.01.2015 they were found transporting river sand, illegally collected from the river, in APE autorikshaw bearing Reg.No.KL-53-1560, without any licence or authorisation and on seeing the police party, they ran away from the spot.

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

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of the case is practically over. The vehicle and the sand have been recovered, and there is nothing more to be recovered. Custodial interrogation of the petitioner is not required for the continued investigation of the case. Considering all the above, I am of the view that this is fit case wherein anticipatory bail can be granted to the petitioner.

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 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 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 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 conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge