

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Bail Appl..No. 420 of 2015 ()

CRIME NO. 904/2014 OF NALLALAM POLICE STATION , KOZHIKODE DIST.

.....

PETITIONER/ACCUSED:

**ABDUL GAFOOR. P., S/O.MUHAMMED,
AGED 36 YEARS, PERISSERY HOUSE,
PUTHOORMADAM, PANTHEERANKAVU,
KOZHIKKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/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,
NALLALAM POLICE STATION,
KOZHIKKODE DISTRICT, PIN-673 020.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.420 of 2015
.....

Dated this the 28th day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.904/2014 of Nallalam Police Station registered for the offences punishable under Section 379 IPC and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 06.11.2014, he was found transporting river sand illegally collected from the river, from a country boat to lorry bearing registration No.KL-01N-2646. On seeing the police party, he escaped by the country boat after leaving the lorry and sand. The petitioner was taken into custody in connection with Crime No.901/2014 on 31.12.2014. From that date onwards, he has been in custody. In this particular case, his

arrest was formally recorded on 24.01.2015.

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

5. It seems that the investigation of this case is practically over. The continued detention of the petitioner is not required for the continued investigation of this case as there is nothing more to be recovered from the petitioner. Considering all the above, I am of the view that the petitioner can be enlarged on bail on conditions.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail 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 concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

*(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 04.02.2015 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)**

aks/28/01

*// True Copy //*

*PA to Judge*