

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. 428 of 2015 ()

CRIME NO. 901/2014 OF NALLALAM POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED :

**ABDUL GAFOOR P., AGED 36 YEARS,
S/O. MUHAMMED, 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-682031.**
- 2. THE SUB INSPECTOR OF POLICE
NALLALAM POLICE STATION, KOZHIKKODE DISTRICT
PIN-673020.**

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:**

bp

B.KEMAL PASHA, J.

.....
B.A. No.428 of 2015

.....
Dated this the 23rd day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.901 of 2014 of the Nallalam Police Station, Kozhikode 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 05.11.2014 at 10.15 a.m., the police party seized sand illegally collected from the river without any licence or authorization from the residential premises of the petitioner. The petitioner was arrested on 31.12.2014 and thereafter he has been in custody.

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

5. It seems that the sand illegally kept at his residential premises has been seized in this case. Investigation of the case is practically over. Custodial interrogation of the petitioner 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 the part of the petitioner, I am of the view that the petitioner can be enlarged on bail.

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 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