

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 469 of 2015

CRIME NO. 783/2014 OF MANJESHWAR POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED :

**ABDUL SALAM, AGED 34 YEARS,
S/O.MOIDEEN KUNHI, JAAVA HOUSE, HOSABETTU,
KADAPPURAM, MANJESHWAR TALUK, KASARGOD DISTRICT.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. THE STATION HOUSE OFFICER,
MANJESHWAR POLICE STATION, KASARAGOD.**
- 2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No. 469 of 2015

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Dated this the 4th day of February, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.783 of 2014 of the Manjeswar Police Station registered for the offences punishable under Section 379 IPC and Section 4(1)(a) read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act.

3. The allegation against the petitioner is that on 16.12.2014 at about 1 p.m., he was found transporting sand illegally collected from the river without any licence or authorization in an autorikshaw without exhibiting numberplate. On seeing the Police party, the petitioner ran away from the spot after leaving the autorikshaw and the sand.

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

5. No criminal antecedents have been reported against the petitioner. 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 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 his part, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 Rs.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 Wednesdays and Saturdays commencing

from 11.02.2015 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

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P.A to Judge