

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. 470 of 2015

**CRIME NO. 1657/2014 OF PARAPPANANGADI POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED 1 TO 5 :

1. **PALLIKKAL SANTHOSH, AGED 38 YEARS,
S/O.KRISHNAN MASTER, PALLIKKAL HOUSE, NEDUVA P.O,
PARIYAPURAM AMSOM DESOM, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.**
2. **SANEESH, AGED 36 YEARS, S/O.SIVADASAN,
KODATH HOUSE, NEDUVA P.O, PARAPPANANGADI AMSOM,
TIRURANGADI TALUK, MALAPPURAM.**
3. **RABEESH, AGED 35 YEARS, S/O.RAMAN,
VAIPASSERY HOUSE, NEDUVA P.O, PARAPPANANGADI AMSOM,
TIRURANGADI TALUK, MALAPPURAM.**
4. **SHARATHLAL, AGED 38 YEARS,
S/O.RADHAKRISHNAN, PUTHUJATTIL HOUSE, NEDUVA P.O,
PARAPPANANGADI AMSOM, TIRURANGADI TALUK, MALAPPURAM.**
5. **RAJEESH, AGED 36 YEARS,
S/O.CHOOLANKUTTY, KOONAMPARAMBIL HOUSE, NEDUVA P.O,
PARAPPANANGADI AMSOM, TIRURANGADI TALUK, MALAPPURAM .**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE :

1. **SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION, MALAPPURAM DISTRICT.**
2. **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 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No. 470 of 2015

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Dated this the 4th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused Nos.1 to 5 in Crime No.1657 of 2014 of the Parappanangadi Police Station registered for the offences punishable under Section 379 read with Section 34 IPC and Section 23(A) read with Section 25 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioners is that on 09.11.2014 at 03.00 a.m., they were found transporting sand illegally collected from the river without any licence or authorization in four country boats. The Sub Inspector of Police seized the four boats and the sand contained therein.

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

5. The report of the Investigating Officer shows that the

first petitioner is an accused in Crime No.1161/2014 of the Parappanangadi Police Station registered for the offences punishable under Sections 143, 145, 147, 148, 332 and 308 read with Section 149 IPC and Section 3 of PDPP Act and Crime No.82/2011 of the Thanoor Police Station registered for the offences punishable under Section 353 IPC. When the first petitioner has got criminal antecedents on his part, I am of the view that he is not entitled to the discretionary relief of anticipatory bail.

6. At the same time, as far as petitioners 2 to 5 are concerned, no criminal antecedents have been reported against them. Their custodial interrogation 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 their part, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners 2 to 5.

7. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the

petitioners 2 to 5 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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioners 2 to 5 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) Petitioners 2 to 5 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 2 to 5 shall make himself available for interrogation as and when required by the investigating officer.

(iv) Petitioners 2 to 5 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.

8. This Bail Application, as far as the first petitioner is concerned, is dismissed. The learned counsel for the petitioners seeks for an opportunity to the first petitioner to surrender before the investigating officer and to co-operate with the investigation.

If so advised, the first petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA, JUDGE

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P.A to Judge

