

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 611 of 2015 ()

**CRIME NO. 1072/2014 OF THIRURANGADI POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**RAFEEQUE, AGED 29 YEARS
S/O.MUHAMMEDALI, THALAPAN HOUSE, KOLAPPURAM,
A.R.NAGAR MALAPPURAM DISTRICT**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE
TIRURANGADI POLICE STATION
TIRURANGADI - 676 306 MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.611 of 2015 B

Dated this the 25th day of February 2015

ORDER

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

2. The petitioner is the accused in Crime No.1072 of 2014 of Tirurangadi Police Station, Malappuram district registered for the offences punishable under Section 379 read with Section 34 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 is that on 12.09.2014 at 12.20 hours, he along with others were found transporting sand, by lorry bearing registration number KL-10-G 6274 and that the said sand was illegally collected without any

authority. On seeing the police, the petitioner ran away from the spot after leaving the vehicle with the load of sand.

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

5. The investigation of this case is practically over. There is nothing to be recovered from the petitioner, as the lorry and the sand have been seized. Considering the facts and circumstances of the case, I am of the view that this is a 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 Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum 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 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 4.3.2015 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

dl

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P.A. To Judge