

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl.No. 696 of 2015

CRIME NO. 500/2014 OF KOLATHUR POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED:

**MUSTHAFA M., AGED 40 YEARS,
S/O.VEERANKUTTY, MACHAPULLY HOUSE,
PO KALLADIPPATTA, ONGALLUR, PATTAMBI TALUK,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

B.A.No.696 of 2015 B

Dated this the 20th day of February 2015

ORDER

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

2. Petitioner is the first accused in Crime No.500 of 2014 of Kolathur Police Station 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 28.12.2014 at 1.30 a.m., he along with the other accused were found transporting sand, by lorries bearing registration numbers KL-40-C 9003 and KL-32-B 9612 and by another lorry, registration number of which was partially shown, and that the said

sand was illegally collected without any authority. On seeing the police, the petitioner and the others ran away from the spot after leaving the lorries 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. No criminal antecedents have been reported against the petitioner. 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 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 Fridays and Tuesdays commencing from 27.02.2015 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

dl

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PA to Judge