

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No. 697 of 2015 ()

**CRIME NO. 1308/2014 OF KONDOTTY POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**ABDUL RASAK, AGED 36 YEARS,
S/O.MOHAMMED KUNJI, VALAPARA HOUSE,
PATHANAPURAM KEEZHUPARAMBA, ERNAD TALUK,
MALAPPURAM DISTRICT**

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

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.697 2015
.....

Dated this the 23rd day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1308/2014 of Kondotty Police Station, Malappuram district, registered for the offences punishable under Section 379 IPC 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 24.12.2014 at 8.30 p.m. he was found transporting sand illegally collected from the river without any licence, by lorry bearing registration No.KL-18B-300. On seeing the police party, he stopped the lorry and ran away. The lorry and the sand have been seized.

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

5. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. As the lorry and the sand have been recovered and seized, there is nothing more to be recovered from the petitioner. On going through the contents of the CD and the present stage of investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, 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 ₹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 Mondays and Thursdays commencing from 02.03.2015 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)**

aks/23/02

*// True Copy //*

*PA to Judge*