

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Bail Appl..No. 734 of 2015

CRIME NO. 36/2015 OF BALUSSERY POLICE STATION , KOZHIKODE

PETITIONERS:

MINHAJ, AGED 26 YEARS
S/O.IBRAHIM, PANDIKADAVIL, UNNIKULAM
POONOOR-673 574.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN
SMT.HARITHA V.A.

RESPONDENTS/STATE/COMPLAINANT:

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1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
 2. THE SUB INSPECTOR OF POLICE
BALUSSERY POLICE STATION
MALAPPURAM DISTRICT-673 005.

R BY PUBLIC PROSECUTOR, SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.734 of 2015 B

Dated this the 13th 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.36 of 2015 of Balussery Police Station, Malappuram district registered for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code, Section 132(i) read with Section 179 of M.V. Act and Section 20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 22.1.2015 at 00.30 hours, he along with others were found transporting sand, by mini lorry bearing registration number KL-56-3257 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. The learned Public Prosecutor has reported that the petitioner has got criminal antecedents of similar nature. 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 Fridays and Tuesdays, commencing from 20.2.2015 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