

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. 735 of 2015

CRIME NO. 57/2015 OF NILESHWAR POLICE STATION , KASARGOD

PETITIONER/ACCUSED:

1. MOHAMMED FAZIL AGED 20 YEARS
S/O.AHAMMED, PUTHIYA PATTILLATH HOUSE, KOYAMBARAM
KOTTAPAPURAM P.O., NILESHWAR VIA, HOSDURG TALUK
KASARAGOD.
2. NIKHIL K.P. AGED 22 YEARS
S/O.K.KRISHNAN, KOOVATTY HOUSE, CHAYOTH P.O.
NILESHWAR VIA, HOSDURG TALUK, KASARAGOD.
3. SONU K AGED 24 YEARS
NARAYANAN K., PPARAYANGATTA HOUSE, KOOVATTY
CHAYOTH P.O., NILESHWAR VIA, HOSDURG TALUK
KASARAGOD.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE STATION HOUSE OFFICER
(CRIME NO.57/2015 OF NILESHWAR POLICE STATION
KASARAGODE DISTRICT).

R BY PUBLIC PROSECUTOR, SRI.SREEJITH V.S.

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.735 of 2015 B

Dated this the 13th day of February 2015

ORDER

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

2. Petitioners are the accused in Crime No.57 of 2015 of Nileshwar Police Station, Kasaragod district registered for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioners is that on 26.1.2015 at 22.00 hours, they were found transporting sand, by tempo bearing registration number KL-7-AV-1799 and that the said sand was illegally collected without any authority. On seeing the

police, the petitioners ran away from the spot after leaving the vehicle with the load of sand.

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

5. The investigation of this case is practically over. No criminal antecedents have been reported against the petitioners. There is nothing to be recovered from the petitioners, 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 petitioners.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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 petitioners 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 petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners 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