

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl.No. 843 of 2015

CRIME NO. 19/2015 OF KOLATHUR POLICE STATION, MALAPPURAM
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PETITIONER(S)/ACCUSED 3 TO 5:

1. UMMER,
S/O.MOIDEEN, URUMIYAM PULAKKAL HOUSE, PULAMANTHOLE,
MALAPPURAM DISTRICT.
2. JAFER,
S/O.MOIDEEN, URUMIYAM PULAKKAL HOUSE, PULAMANTHOLE,
MALAPPURAM DISTRICT
3. NAVAS,
S/O.KADEEJA, BALLIYAKALLINGAL HOUSE, PULAMANTHOLE,
MALAPPURAM DISTRICT

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(THORUGH THE STATION HOUSE OFFICER,
KOLUTHUR POLICE STATION,
MALAPPURAM DISTRICT - 682 831).**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 843 of 2015

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Dated this the 5th day of March, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A3 to A5 in Crime No.19 of 2015 of the Kolathur Police Station registered for the offences punishable under Section 379 IPC and Section 20 read with Section 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioners and the other accused is that on 8.1.2015 at 12.50, they were found transporting sand illegally collected from the river without any licence or authorization by a Swaraj Mazda Tipper lorry bearing Reg.No.KL-17E-8275 and by a Goods Autorickshaw bearing Reg.No.KL.53-1560. On seeing the Police party, the petitioners and the other accused ran away from the spot after leaving the vehicles and the sand.

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

5. No criminal antecedents have been reported against the petitioners. It seems that the sand illegally collected and the vehicles, have been seized in the case. Investigation of the case is practically over. Custodial interrogation of the petitioners is not required in the matter as there is nothing more to be recovered. Considering the facts and circumstances of the case and the absence of any criminal antecedents on their part, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 for the like sum each 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 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 12.03.2015 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 himself 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

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