

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No.862 of 2015

(CRIME NO.139/2015 OF MANJERI POLICE STATION,MALAPPURAM).

...

PETITIONERS/ACCUSED NOS.2 TO 11:

1. **MUSTAFA SUKKARNO P.K.,S/O.MUHAMMED,
AGED 38 YEARS,THANDAYATH KALATHINGAL HOUSE,
PERIMBALAM P.O.,MALAPPURAM DISTRICT.**
2. **HAMZAKUTTY K.M,S/O.IBRAHIM,AGED 33 YEARS,
KOORIMANNIL HOUSE,PERIMBALAM P.O.
MALAPPURAM DISTRICT.**
3. **INTHIHAZ K.M,S/O.ALI,AGED 21 YEARS,
KOORIMANNIL HOUSE,PERIMBALAM P.O.
MALAPPURAM DISTRICT.**
4. **ANSAR A.P.,S/O.RAZAK,AGED 26 YEARS,
AVUNHIPURATH HOUSE,PERIMBALAM P.O.
MALAPPURAM DISTRICT.**
5. **MUSTAFA K.,S/O.ABDU,AGED 26 YEARS,
KUTTEERI HOUSE,PERIMBALAM P.O.
MALAPPURAM DISTRICT.**
6. **MANSOOR N.,S/O.ALIKUTTY,AGED 22 YEARS,
NAITHAKODAN HOUSE,PERIMBALAM P.O.
MALAPPURAM DISTRICT.**
7. **ALAVI K.V.M.,S/O.MUHAMMED,AGED 52 YEARS,
KOORIMANNIL VADAKKEMELEMANNIL HOUSE,
PERIMBALAM P.O.,MALAPPURAM DISTRICT.**
8. **LATHEEF V.P.,S/QMUHAMMED,AGED 43 YEARS,
VATTAPARAMBIL HOUSE,PERIMBALAM P.O.
MALAPPURAM DISTRICT.**
9. **MUHAMMED JASEEN K.P.,S/O.MUHAMMED ABDULLA K.P.
AGED 21 YEARS,KOORIMANNIL PARAPURATH HOUSE,
PERIMBALAM P.O.,MALAPPURAM DISTRICT.**

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10. **MUZAMMIL.T,S/O.MAMMED HUSSAIN.T,
AGED 23 YEARS,THATTAYIL HOUSE,PERIMBALAM P.O.
MALAPPURAM DISTRICT.**

BY ADV.SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT:

1. **THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM,KOCHI-682031.**
2. **THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION,
MALAPPURAM DISTRICT,PIN-676 121.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.862 2015
.....

Dated this the 25th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are A11, A9, A10, A5, A6, A3, A4, A2, A8 and A7 respectively in Crime No.139/2015 of Manjeri Police Station registered for the offences punishable under Sections 304 and 379 IPC and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. On 19.01.2015 during midnight, A1 to A12 were engaged in committing theft of river sand and were transporting the same to lorry bearing registration No.KL-57-9010 of which the 1st accused was the driver. The

lorry was switched on and sand was being loaded into it. The 1st accused, without caring the possible accident, got out of the lorry. The lorry ran behind on its own, thereby crushing A12 in between the rear body of the lorry and the country boat, whereby A12 crushed to death.

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

5. The offence under Section 304 IPC is alleged as against A1 only. As far as the other accused, who are the petitioners herein, are concerned, the offences alleged against them are under Section 379 IPC and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. No criminal antecedents have been reported against the petitioners. The investigation of this case is practically over. On going through the contents of the CD and the present stage of investigation, I do not think that the custodial interrogation of the petitioners 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 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 ₹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 Wednesdays and Saturdays commencing from 04.03.2015 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 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)

aks/25/02

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PA to Judge