

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 1078 of 2015 ()

CRIME NO. 54/2015 OF PATTAMBI POLICE STATION, PALAKKAD DISTRICT.

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PETITIONERS/ACCUSED NO.1 TO 3:

- 1. MUHAMMED SHAFI, AGED 26 YEARS,
S/O.MOITHEEN KUTTY, POTTAMMAL HOUSE,
KEEZHMURI POST, PULASSERY, PATTAMBI,
PALAKKAD DISTRICT.**
- 2. FAYIS. C., AGED 26 YEARS,
S/O.MUHAMMED ALI, CHOLAYIL HOUSE,
EDAPPALAM POST, VILAYOOR,
PATTAMBI, PALAKKAD DISTRICT.**
- 3. UNNIKRISHNAN, AGED 28 YEARS,
S/O.THEYAN, KAREKUNNATH, NADUVATTOM P.O.,
KOPPAM, PATTAMBI TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.A.HAROON RASHEED.

RESPONDENT/COMPLAINANT:

**THE STATION HOUSE OFFICER,
PATTAMBI POLICE STATION, PALAKKAD DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.1078 of 2015 D

Dated this the 4th day of March 2015

ORDER

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

2. Petitioners are accused Nos.1 and 2 in Crime No.54/2015 of Pattambi Police Station 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 13.1.2015 at 13.20 hours, they were found transporting sand, by lorry bearing registration number KL-10-8271. The said sand was illegally collected without any authority. On seeing the police, the

petitioners ran away from the spot after leaving the lorry 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 ₹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 11.3.2015 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

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PA to Judge