

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937**

**Bail Appl..No. 1272 of 2015 ()**

**CRIME NO. 231/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT**

**PETITIONER/PETITIONER IS NOT ARRAYED AS ACCUSED :**

**BABU C.A.,  
S/O.KODAKKAL DEVAKI, AGED 49 YEARS  
NEAR CENTRAL U.P. SCHOOL  
PAYYANNUR P.O., KANNUR DISTRICT**

**BY ADV. SRI.M.V.AMARESAN**

**RESPONDENT/COMPLAINANT :**

**STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM  
PIN – 682 031.**

**BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-07-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**K. ABRAHAM MATHEW, J.**

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**B.A. No.1272 of 2015**  
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**Dated this the 8<sup>th</sup> day of July, 2015**

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the fourth accused in Crime No.231/2015 of Payyannur police station registered for the offences under Sections 379 of Indian Penal Code and 17 (4) 23 read with Section 20 of Kerala Protection of River Banks and Regulation of Removal of Sand Act.

3. The prosecution case is that on 14.02.2015 he along with the co-accused was found loading a lorry with river sand and they thus committed the offences mentioned above.

4. Heard.

5. The First Information report shows that three persons were found loading the vehicle with river sand and all of them ran away seeing the police. The police followed them and could arrest only the first accused. The names of the other two persons are mentioned in the First

Information report. The petitioner's name does not find a place in the First Information Report. Thus the definite case of the prospection is that only three persons were found loading the vehicle with river sand and all of them were identified immediately thereafter and the petitioner's name does not find a place in it. So I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties for the like sum each if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer between 10.30 a.m and 11.30 a.m on every alternate fridays for three months or till the final report is filed whichever is earlier.

3. He shall not influence the witnesses or intimidate them.

4. He shall not get himself involved in any other criminal case while he is on bail.

5. He shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioners surrender before the Magistrate this order is not applicable and the learned magistrate may pass appropriate orders.

sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

R.AV

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PA to Judge