

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 1505 of 2015 ()

CRIME NO. 169/2015 OF VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONERS-(ACCUSED 1 &2):

- 1. SAJITH ALI, AGED 33 YEARS,
S/O. VAISYAMPURATH MOHAMMED,
ELAMBILASSERI HOUSE, AZHINJILAM P.O.,
MALAPPURAM DISTRICT, PIN-673 633.**
- 2. SABITH. V., AGED 27 YEARS,
S/O. VAISYAMPURATH MOHAMMED,
ELAMBILASSERI HOUSE, AZHINJILAM P.O.,
MALAPPURAM DISTRICT, PIN-673 633.**

**BY SRI.T.SETHUMADHAVAN, SENIOR ADVOCATE.
ADVS. SRI.PUSHPARAJAN KODOTH,
SRI.K.JAYESH MOHANKUMAR,
SMT.VANDANA MENON.**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO.169/2015 OF VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.1505 of 2015

.....
Dated this the 24th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.169 of 2015 of the Vazhakkad Police Station, Malappuram registered for the offences punishable under Section 379 read with Section 34 IPC and Sections 12 and 23 read with Section 20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioners is that on 21.02.2015 at 08.30 a.m., they were found transporting sand illegally collected from the river without any licence or

authorization by a mini tipper lorry bearing registration No.KL-08-AC-4049. On seeing the Police party, they ran away from the spot after leaving the vehicle 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 vehicle, 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.

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 Tuesdays and Fridays commencing from 31.03.2015 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.

ul/-

Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge