

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. 1511 of 2015 ()

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CRIME NO. 254/2015 OF AREACODE POLICE STATION, MALAPPURAM DISTRICT.**

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PETITIONER/ACCUSED:

**HASSAN KOYA M., S/O. KUNHIKKOYA THANGAL,
AGED 26 YEARS, MATTATH HOUSE,
PANNIPPARA (PO), MALAPPURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
BY THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

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.1511 of 2015

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

ORDER

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

2. Petitioner is the accused in Crime No.254 of 2015 of the Areacode Police Station, Malappuram registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 10.03.2015 at 21.15 hours the petitioner was found

transporting river sand, illegally collected from the river, in a lorry bearing Reg.No.KL13-M-4615, without any licence or authorisation, and on seeing the police party, he ran away from the spot, after leaving the vehicle and the sand.

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

5. No criminal antecedents have been reported against the petitioner. The contents of the CD reveal that the investigation of the case is practically over. The lorry and the sand have been recovered, and there is nothing more to be recovered. Custodial interrogation of the petitioner is not required for the continued investigation of the case. Considering all the above, I am of the view that this is fit case wherein anticipatory bail can be granted to the petitioner.

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 petitioner, is directed to enlarge

the petitioner on bail in the event of his arrest on his executing a bond for ₹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 petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 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 petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner 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

ul/-

[True copy]

P.S. to Judge