

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 19TH DAY OF MAY 2015/29TH VAISAKHA, 1937

Bail Appl..No.1652 of 2015

CRIME NO.81/2015 OF NILESWAR POLICE STATION,KASARGOD DISTRICT.

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PETITIONER'S/ACCUSED:

1. SAJEEV M.P,AGED 40 YEARS,
S/O.DAMODHARAN,RESIDING AT KELAKAM,
VIA PERAVOOR,P.O.KELAKAM,
THALASSERY TALUK,KANNUR DISTRICT
2. MANOJ,AGED 28 YEARS,S/O.KOTTANKUNHI,
RESIDING AT MAYYIL,P.O.PODAVOOR,
HOSDURG TALUK,KASARAGOD DISTRICT.

BY ADV.SRI.A.ARUNKUMAR

RESPONDENT'S/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 682 031.
2. THE STATION HOUSE OFFICER,
(CRIME NO.81/2015 OF NELESHWAR POLICE STATION,
KASARAGOD DISTRICT)-671 314.

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

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B.A. No.1652 of 2015

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Dated this the 19th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.81 of 2015 of the Nileshtar Police Station, registered for the offences punishable under Section 379 IPC 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 07.02.2015 at 6.00 a.m., they were found transporting sand illegally collected from the river without any licence or authorization by Tempo bearing registration No.KL-58-H-6538. On seeing the Police party, the petitioners 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.

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 Rs.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 petitioners shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 26.05.2015 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

DSV/19/5/15

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P.A. to Judge.