

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Bail Appl..No.1715 of 2015

CRIME NO.1680/2014 OF PERINTHALMANNA POLICE STATION,MALAPPURAM.

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APPLICANT/ACCUSED NO.1

**ANEESH,AGED 29 YEARS,S/O.AYYAPPAN,
PERUNIYIL HOUSE,ALIPPARAMBU DESOM,
ALIPPARAM DESOM,VAZHANGADA P.O.,
PERINTHALAMANNA,MALAPPURAM DISTRICT.**

BY ADV.SRI.P.M.RAFIQ

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTING BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

B.A.No.1715 of 2015

Dated this the 9th day of April 2015

ORDER

Application filed under Section 438 Cr.P.C.

2. According to the petitioner, he is apprehending arrest in connection with Crime No.1680 of 2014 of Perinthalmanna Police Station registered for the offences punishable under Section 379 read with Section 34 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 21.12.2014 at 5.30 hours, he was found transporting sand along with some other persons, by a mini lorry, the registration number of which was scraped out, and that the said sand was illegally

collected without any authority. On seeing the police, they ran away from the spot after leaving the mini lorry with the load of sand.

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

5. The investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. There is nothing to be recovered from the petitioner, as the vehicle 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 petitioner.

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 Thursdays and Mondays, commencing from 16.4.2015, 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

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