

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. 1890 of 2015 ()

CRIME NO. 158/2015 OF EDAVANNA POLICE STATION,MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

**FAHID, AGED 21 YEARS,
S/O. MOHAMMEDALI, NALAKATH HOUSE, CHERUMANNU,
EDAVANNA, NILAMBUR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.M.S.MOHAMMED ANSARY
SRI.JITHIN LUKOSE**

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
(IN CRIME NO. 158/2015 OF EDAVANNA POLICE STATION,
MALAPPURAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

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B.KEMAL PASHA, J.

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B.A. No.1890 of 2015

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Dated this the 19th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.158 of 2015 of the Edavanna Police Station, registered for the offences punishable under Section 379 IPC 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 03.03.2015 at 3.45 a.m., he was found transporting sand illegally collected from the river without any licence or authorization by TATA Sumo bearing registration No.KL-08-T-919. On seeing the Police party, the petitioner 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. On investigation, it was revealed that the original

number of the aforesaid vehicle was KL-08-J-9192, which was fabricated as KL-08-T-919. No criminal antecedents have been reported against the petitioner. 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 petitioner 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 his part, 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 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 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 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 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

DSV/19/5/15

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PA to Judge