

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No.1909 of 2015

CRIME NO.64/2015 OF PERINTHALMANNA POLICE STATION,MALAPPURAM.

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PETITIONER'S/ACCUSED:

1. ALI AFSAL,S/O.HANEEFA,AGED 21 YEARS,
PALLIPPARA HOUSE,ELAMKULAM,
MALAPPURAM DISTRICT.
2. JAYACHANDRAN,S/O.SHANKARAN,AGED 30 YEARS,
PANDIYATHIL HOUSE,ELAMKULAM,MALAPPURAM DISTRICT.

BY ADV.SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LISHA M.G

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

SUNIL THOMAS, J.

B.A. No. 1909 of 2015

Dated this the 9th day of July, 2015

O R D E R

The petitioners are the accused in Crime No. 64/2015 of Perinthalmanna Police Station for offences punishable under Section 379 I.P.C and Section 20 and 23 of Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. The allegation of the prosecution is that on 13.11.2015 the accused was found driving a vehicle No. KL-34 C-6161 allegedly transporting river sand. The vehicle was intercepted by the police and after preparation of the mahazar and contemporaneous documents, the vehicle was seized. The driver allegedly ran away from the spot. Thereafter, crime was registered. Apprehending arrest and contending that they are not involved in the crime petitioners have approached

this Court seeking pre arrest bail.

3. Heard both sides and perused the records. Though the petition has been filed by two persons, the learned Public Prosecutor on instructions and after perusing the records submitted that at present the crime is registered only against the 1st petitioner, the driver of the vehicle. This is recorded.

4. Crime was registered pursuant to an interception by the police. The vehicle and the river sand have been seized. Contemporaneous documents have also been prepared and hence substantial part of the investigation is over.

5. The allegation against the accused is sought to be proved through the oral testimony of the eye witnesses. Considering these facts I feel that a custodial interrogation of the accused/1st petitioner is not warranted and bail granted to him as follows:

1. The 1st petitioner shall appear before the
Investigating Officer on 16.07.2015
between 9 a.m and 10 a.m. and shall

undergo interrogation. After interrogation, if the Investigating Officer proposes to arrest him, he shall be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each.

2. He shall co-operate with the investigation and appear before the Investigating Officer whenever called by the Investigating Officer.
3. He shall not get himself involved in any other identical offence.
4. The 2nd petitioner may move this Court in this crime later, if so required.

Petition is allowed as above.

Sd/-
SUNIL THOMAS
JUDGE