

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 1961 of 2015 ()

CRIME NO. 158/2015 OF PANNIYANKARA POLICE STATION, KOZHIKODE DISTRICT.

.....

PETITIONERS/ACCUSED:

**1. N.K. NOUSHAD, S/O.BASHEER,
AGED 32 YEARS, NALUKANDATHIL HOUSE,
KUTTIKADAVU, CHERUPPA, KOZHIKODE DISTRICT.**

**2. AYOOB, S/O.AHAMMED,
AGED 30 YEARS, KALARIYIL HOUSE,
POOVATTUPARAMBU, KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & COMPLAINANT:

**1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.**

**2. THE SUB INSPECTOR OF POLICE,
PANNIYANKARA POLICE STATION,
KOZHIKODE DISTRICT-673 001.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.1961 OF 2015
.....

Dated this the 8th day of April, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.158 of 2015 of the Panniyankara Police Station, Kozhikode registered for the offences punishable under Section 379 read with Section 34 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 28.03.2015 at 11.30 a.m., they were found transporting sand illegally collected from the river without any licence or authorization by a tipper lorry bearing registration No.KL-58A-1316. On seeing the Police party, they ran away from

the spot after leaving the vehicle and the sand. The petitioners have been in custody for the period from 28.03.2015 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor.

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. Continued detention 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, I am of the view that the petitioners can be enlarged on bail.

In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail 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 concerned Judicial First Class

Magistrate's Court, and subject to the following terms and conditions:-

(i) Petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 15.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners shall not tamper with the evidence or influence witnesses.

(iii) Petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) 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

ul/-

[True copy]

P.S. to Judge