

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 2273 of 2015 ()

CRIME NO. 409/2015 OF HOSDURG POLICE STATION , KASARGOD DISTRICT

PETITIONER/ACCUSED:

**FAISAL, AGED 37 YEARS,S/O.YOUSEF,
KUNNUMMAL HOUSE, MANIKOTH P.O.,
KASARAGOD DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. SUB INSPECTOR OF POLICE,
HOSDURG POLICE STATION, KASARAGOD DISTRICT,
PIN- 671 315.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.2273 of 2015

Dated this the 8th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.409 of 2015 of Hosdurg Police Station registered for the offences punishable under Section 379 of the Indian Penal Code r/w Sections 4(1)(a) and 21(1) of Mines and Minerals (Regulation of Development) Act, 1975.

3. Heard the learned counsel for the petitioner and learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of a goods carriage bearing No.KL 60/8382. Annexure A1 is the copy of the registration certificate of the vehicle. It is the case that as required by one Abdulla, he carried ordinary sand in his vehicle to the residential compound of Abdulla's daughter. He did not commit any offence as alleged by the prosecution.

5. Learned Public Prosecutor submitted that the

prosecution case is that he attempted to transport sand. It is also submitted that the vehicle has been released pursuant to the order issued by this Court in a Writ Petition.

6. Considering the nature of allegations, I find that custodial interrogation may not be necessary in this case. Hence, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on his executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.

- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge