

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.2620 of 2015

CRIME NO.470/2015 OF KOTTAKKAL POLICE STATION,MALAPPURAM.

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PETITIONER/ACCUSED:

**BIJU,S/O.CHANDRAN,AGED 30 YEARS,
PARAMBIL HOUSE,PUTHUPARAMBA,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENT'S/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,KOCHI-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
KOTTAKKAL POLICE STATION,
MALAPPURAM DISTRICT,PIN-676 503.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**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. 2620 of 2015

Dated this the 9th day of July, 2015

O R D E R

The accused in Crime No. 470/2015 of Kottakkal Police Station for offences alleged under Section 379 I.P.C and Section 20 and 21 of Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 is the petitioner herein.

2. The allegation is that on 28.04.2015, a lorry load of sand was found being transported. Alleging that it was an illegal transportation of river sand, without any valid permit, the vehicle was intercepted. The person driving the vehicle and the person accompanying him ran away from the spot. The crime is presently proceeded against the owner of the vehicle. He has approached this Court seeking bail.

3. Heard and examined the records. The learned

counsel for the petitioner has filed CrI.M.A. No.6568/2015 to correct his name as Shiju instead of Biju shown in the application. It is allowed and the order will be corrected accordingly.

4. It appears that the substantial part of investigation is over with the interception, search and seizure of the vehicle and the sand. Contemporaneous documents are seen prepared. In the above circumstances what remains is the identity of the person who has been driving the vehicle and the person who was accompanying him. Necessarily it is for the owner of vehicle to disclose the name of his driver and cleaner. For the above purpose alone, a custodial interrogation of accused is not required.

Hence, I am inclined to grant bail to the petitioner subject to the following conditions:

1. The 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 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.

Sd/-
SUNIL THOMAS
JUDGE