

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR**

**FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937**

**Bail Appl..No. 2762 of 2015**  
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**CRIME NO.760 OF 2015 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT**  
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**APPLICANT/ACCUSED :**  
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**SURESH KUMAR,  
S/O.CHOYI, VALLIPAT HOUSE, VANIYANNUR,  
IRINGAVOOR-PO, TIRUR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL (1086/92)  
SMT.T.J.MARIA GORETTI**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

**BY PUBLIC PROSECUTOR SRI.N.SURESH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**B.SUDHEENDRA KUMAR, J.**

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Bail Application No.2762 of 2015  
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Dated this the 26<sup>th</sup> day of June 2015

ORDER

The petitioner is the sole accused in Crime No.760 of 2015 of Tirur Police Station registered under Section 379 of I.P.C. and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act.

2. The prosecution allegation is that on 11.5.2015 at 11 p.m., while the *defacto complainant* and party were on patrol duty, they intercepted a tipper lorry loaded with sand. The vehicle was stopped and the driver ran away

from the vehicle. The lorry, along with the sand, was seized by the police as per a mahazar. The petitioner is the owner of the above said vehicle. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing the application.

5. It has been submitted by the learned Public Prosecutor that the police is not yet able to identify the person who was driving the vehicle at the relevant time. There is no allegation that the petitioner was driving the lorry involved in this case at the relevant time. There is also no allegation that the petitioner was present in the lorry at the relevant time. There is no case for the

prosecution that the petitioner was having any involvement in the transportation of sand in this case. Considering the facts and circumstances of the case, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in connection with Crime No.760/2015 of Tirur Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Tirur Police station, before whom the petitioner shall surrender within ten days from today and subject to the following conditions:-

(i) The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner shall not get involved in any offence while on bail.

**SD**

**B.SUDHEENDRA KUMAR,  
JUDGE**

*dl*

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PA TO JUDGE /