

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Bail Appl..No. 2925 of 2015 ()

CRIME NO. 470/2015 OF AREACODE POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED :

**ABDUL RAUF
S/O.ABDUL SALAM, AGED 28 YEARS
NEERUTTICHALIL HOUSE
OORNGATTIRI P.O., MALAPPURAM DT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
BY THE SUB INSPECTOR OF POLICE
AREACODE POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

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B.A. No. 2925 of 2015

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Dated this the 4th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is alleged to have committed the offences under sections 353, 332, 308, 379 of IPC and section 20 and 23 of Kerala Protection of River Banks and Regulation of Removal of Sand Act. The prosecution case is that at about 4 O'clock in the morning, on 14.05.2015 a Civil Police Officer by name 'Jaseer' found river sand being transported in a lorry without permit or other authority. He followed the lorry on his motor cycle. The second petitioner who is the owner of the lorry, came there on motor cycle and knocked down Jaseer, causing him injuries. Thus he has committed the offences mentioned above.

3. Heard.

4. Learned counsel submits that the prosecution version is false and there was an accidental collision between the two motor cycles mentioned above, the accident was the result of the negligence of the Civil Police Officer. The petitioner sustained injuries and was admitted to hospital. He relies on Annexure-1 OP card issued from Medical College Hospital, Calicut. He was

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admitted to that hospital at 4.17 in the morning. The only injury sustained by him was a contusion or abrasion. The presence of the petitioner at the place of occurrence is admitted. I find no reason to reject the prosecution version as false at this stage. There is a *prima facie* case against the petitioner.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. To Judge