

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

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

Bail Appl..No. 3189 of 2015

CRIME NO. 627/2015 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT.
.....

PETITIONER/ACCUSED:

**RAHOOF.T, AGED 21 YEARS,
S/O.YOOSAF T., THOOMBIL HOUSE,
CHAMRAVATTOM P.O, TIRUR TALUK.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION,
MALAPPURAM DISTRICT-676 101.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

mbr/

B.SUDHEENDRA KUMAR, J.

.....
B.A.No.3189 of 2015 (C)
.....

Dated this the 26th day of June, 2015

ORDER

The petitioner is the sole accused in Crime No.627 of 2015 of Tirur Police Station registered under Section 379 of the Indian Penal Code and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. The prosecution allegation is that on 20.04.2015 at about 2.30 a.m., the petitioner was found transporting river sand in an Ambassador car bearing registration No.KL-11B-4154 without having any valid document.

3. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure.

4. Heard. Perused the case diary.

5. The learned Public Prosecutor has no serious objection in allowing this application.

6. It appears from the case diary that no sand was seized from the vehicle driven by the petitioner. The only allegation is that some traces of sand and an empty jute sack were found in the dicky of the above said ambassador car belonging to the de facto complainant. The learned Public Prosecutor has submitted that the petitioner is not involved in any other offence of similar nature. Considering the facts and circumstances of the case, I am of the view that an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

7. In the result, this application stands allowed and it is directed that the petitioner shall be released on bail in the event of his arrest in connection with Crime No.627 of 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 2nd respondent before whom the petitioner shall surrender within two weeks from today and subject to the following conditions:-

1. 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.

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

3. The petitioner shall not get involved in any offence while on bail.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE.

AMV/29/06/

/TRUE COPY/

P.A.TO JUDGE