

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No. 3411 of 2015 ()

CRIME NO. 123/2015 OF BEDAKAM POLICE STATION, KASARAGOD DISTRICT

PETITIONER/ACCUSED :

**ABOOBACKER T.H.,
S/O. MUHAMMED, AGED 32 YEARS
KALARIYADUKAM, KUNDAMKUZHI P.O.
BEDAKAM VILLAGE, KASARAGOD TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM THROUGH THE SUB INSPECTOR OF POLICE
BEDAKAM POLICE STATION, KASARGOD.**

BY PUBLIC PROSECUTOR SMT. LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

SUNIL THOMAS, J.

B.A. No. 3411 of 2015

Dated this the 10th day of July, 2015

O R D E R

The petitioner stands indicted in Crime No. 123/2015 of Bedakam Police Station for offences punishable under section 379 of I.P.C and section 20 and 21 of the Kerala Protection of River sand and Regulation of Removal of Sand Act.

2. The prosecution alleges that on 17.03.2015 at 3.30 p.m, the 1st accused was found driving a vehicle no. KL-14-L-5805 carrying river sand. He was intercepted at the spot. Alleging that the river sand was transported without any license or permit, he was arrested at the spot after preparation of the contemporaneous documents. The petitioner herein is arrayed as 2nd accused, being the RC owner of the vehicle involved. Contending that he has already transferred the vehicle to another person, much prior to the date of incident, the petitioner seeks pre

arrest bail.

3. Heard and examined the records.

4. The learned counsel contended, relying on Annexure 1, that he had entered into a sale agreement dated 17.12.2012 with one Noushad, son of Kaiz. K. It was stated that the possession of the vehicle was also handed over along with the original RC Book, and subject to a condition that on the complete payment of the loan availed, the registration will be transferred in the name of the buyer.

5. Evidently, this document was not available to the Investigating Authority. The genuineness of it and the claim of handing over possession are facts which the Investigating Authority, will have to verify. Since, the 1st accused was apprehended at the spot, search and seizure effected supported by necessary documents, a custodial interrogation of the 2nd accused, if at all he is the owner, is not warranted.

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 22.07.2015 between 10 a.m and 11 a.m. After interrogation, he shall be released on bail on he executing a bond for a sum of Rs. 40,000/- (Rupees Forty Thousand Only) with two sureties for the like sum each.
- 2.He shall appear before the Investigation Officer and co-operate with the investigation and if he is so advised, may place the original of Annexure 1 for perusal of the Investigation Officer for further investigation in that line, if the Investigating Authority so deems fit and proper.
- 3.He shall not in any manner, threaten, coerce or intimidate the witnesses and shall not interfere with investigation process.

Sd/-
SUNIL THOMAS
JUDGE