

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. 3504 of 2015 ()

CRIME NO. 170/2015 OF MEENANGADI POLICE STATION.

PETITIONER/2ND ACCUSED:

**AJMAL C., AGED 24 YEARS,
S/O MUHAMMED ALI, CHAVADIKUNNU HOUSE,
MEENANGADI POST, PURAKKADI VILLAGE,
S. BATHERY, WAYANAD DISTRICT.**

**BY ADVS.SRI.P.N.SANTHOSH,
SMT.K.P.GEETHA MANI.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(REPRESENTING THE STATION HOUSE OFFICER,
MEENANGADI POLICE STATION).**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.

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

rs.

SUNIL THOMAS, J.

B.A. No. 3504 of 2015

Dated this the 10th day of July, 2015

O R D E R

This application for Anticipatory Bail is filed by the 2nd accused in Crime No. 170/2015 of Meenangadi Police Station for offences punishable under section 379 of I.P.C and sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. The allegation of the prosecution is that on 13.04.2015 at about 2.30 p.m, on getting secret information that sand mining is being carried on from the river, the police party reached the spot and found few people in the process of mining sand. It is stated that except the 1st accused, the remaining persons ran away from the spot. He was apprehended and the investigation stated to have revealed the participation of the 2nd accused. It is alleged that the implements for drawing

sand from the river was installed at the instance of 2nd accused and he was doing the business of drawing sand from the river illegally. The vehicle and the implements used for drawing sand were recovered from the spot. It is submitted that 1st accused was remanded and later granted bail. The 2nd accused, apprehending arrest, seeks bail.

3. Heard and examined the records.

4. The learned counsel for the petitioner contended that he is innocent of the crime and except for the fact that at the time of interception of the 1st accused, petitioner had made a chance phone call to him, he is not involved in any of the alleged illegal act. The materials on record indicate that there was a specific allegation that drawing of sand was being done at the instance of the 2nd accused. The 1st accused was allegedly engaged by him. However, records show that the other persons alleged to have been engaged by the 2nd accused for illegal sand

mining have been identified, questioned and their statements recorded. The implements involved in the process of sand mining have been recovered. There seems to be some documentary evidence regarding the close proximity between the 1st accused and the 2nd accused, which the prosecution proposes to rely on.

5. In the light of the advanced stage of investigation, I do not feel that custodial interrogation of the accused will further improve the collection of evidence.

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 9 a.m and 10 a.m. After interrogation, he shall be released on bail on he executing a bond for a sum of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties for the like sum each.

2.He shall appear before the Investigation Officer on all Tuesdays between 9.00 a.m and 10.00 a.m for a period of one month from the date of execution of the bond as above.

3.He shall not in any manner, threaten, coerce or intimidate of the witnesses and shall not interfere with investigation process.

Sd/-
SUNIL THOMAS
JUDGE

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