

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Bail Appl..No. 3680 of 2015 ()

CRIME NO. 589/2014 OF VANNERY POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED :

**BATHISHA
S/O.YOUSAL, AGED 29 YEARS
KOYALINNTAE HOUSE, PUTHUPONNANI P.O.,
MALAPPURAM DIST.- 679 572.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS/COMPLAINANT & STATE :

**1. THE SUB INSPECTOR OF POLICE
VANNERY POLICE STATION,
MALAPPURAM DISTRICT – 673 639.**

**2. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P.JYOTHINDRANATH J.

.....
B.A. No. 3680 of 2015

.....
Dated this the 30th day of June, 2015

O R D E R

This is an application for anticipatory bail filed by the accused in Crime No. 589/2014 of Vannery Police Station, Malappuram District.

2. When the application came up for hearing, the learned counsel for the applicant submitted before me that the petitioner is a driver of a lorry and now it is alleged that he had committed theft of sand from the banks of a river and thereby committed the offence 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. It is the submission that the applicant is innocent of the accusation levelled against him.

3. The Public Prosecutor submitted before me that this is a case where there is theft and recovery is necessary and it is also the submission that if a light attitude is taken in these

cases, it will give a wrong signal to the Society.

4. After hearing both sides and also considering the fact that the main offences are under Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and Section 379 of the Indian Penal Code is incorporated as an additional offence, the following orders passed:

1. The petitioner shall appear before the Investigating Officer within 10 days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioner. Thereafter, if any recovery is necessary, that also can be made. Thereafter the petitioner shall be released on bail on executing a bond for Rs.25,000/- with two solvent sureties for the like amount to the satisfaction of the officer concerned.

2. After release on bail, the petitioner shall appear before the Investigating Officer on all Saturdays in

between 10 a.m and 12 noon for a period of two months.

3. The petitioner shall not commit similar offences during the bail period.

4. The petitioner shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

Sd/-

K.P.JYOTHINDRANATH
JUDGE

rka

/true copy/

P.S to Judge.

B.A. No. 3680 of 2015

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K.P.JYOTHINDRANATH
JUDGE

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