

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5460 of 2015

CRIME NO. 803/2015 OF TALIPARAMBA POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/2ND ACCUSED (IN CUSTODY) :

**HASHIM.C, AGED 22 YEARS,
S/O.ABDHURAHIMAN, POYKKAL PUTHIYAPURAYIL (H),
KOLMOTTA, NANISSERY, PARASSINIKKADAVU,
KANNUR DISTRICT.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTING STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION, KANNUR DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Bail Appl. No.5460 of 2015

Dated this the 28th day of September 2015

ORDER

Petition filed under Sec.439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.803 of 2015 of Taliparamba Police station registered for the offences under Secs.279, 308, 353 and 379 read with Sec.34 of the Indian Penal Code, Sec.132(1) read with Sec.179 of the Motor Vehicles Act, Secs.20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act and Sec.3(2)(e) of the Prevention of Destruction of Public Properties Act.

3. The prosecution allegation is that, on 04.05.2015 at 5 hours, the petitioner along with other accused were found transporting river sand illegally in a lorry. When the defacto complainant directed to stop the vehicle by giving hand signal, the accused drove the vehicle rashly in order to hit the Police officers.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The petitioner plead innocence. According to

him, he does not have a driving licence and was not driving the vehicle at the material time.

6. Learned Public Prosecutor opposed the bail application contending that the Police jeep sustained damage in the incident to the tune of Rs.25,000/-. It is also submitted that the other accused in this crime was directed to deposit Rs.10,000/- as a condition for releasing on bail.

Considering the entire facts and circumstances of the case, bail is granted to the petitioner with the following conditions.

i. The petitioner shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday and Thursday until final report is filed.

iv. The petitioner shall deposit Rs.10,000/- (Rupees ten thousand only) within a period of two weeks from the date of release on bail before the learned Magistrate having jurisdiction.

v. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /
P.A. To Judge