

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 5486 of 2015 ()

CRIME NO. 648/2015 OF AREACODE POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED:-

1. YAHYYA KUZHIENGAL, AGED 30 YEARS,
S/O.MAMMAD MOYIN, KUZHIENGAL HOUSE,
CHEMBRAKKATTUR (P.O), VELLERI, AREACODE (VIA),
MALAPPURAM (DT).
2. ASHRAF PALAKIZHIYAN, AGED 33 YEARS,
S/O.ABOOBACKER, POOLAKUNDIL HOUSE, CHEMBRAKKATTUR (P.O),
VELLERI, AREACODE (VIA), MALAPPURAM (DT).

BY ADV. SRI.T.KAJITH KUMAR

RESPONDENT/COMPLAINANT:-

**STATE OF KERALA
BY THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
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 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.5486 of 2015

Dated this the 12th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.648 of 2015 of Areacode Police Station. The offences alleged are under Section 269 read with Section 34 of the Indian Penal Code, Section 120(e) of the Kerala Police Act and Section 43 of the Water (Prevention and Pollution) Act, 1974.

3. Prosecution case is that on 09.07.2015, the Police received a complaint that the petitioners are disposing chicken waste in a casual manner polluting the drinking water sources.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners have taken a contract for disposing chicken waste and they used to take all precautionary measures to avoid pollution and nuisance. He used to bury chicken waste by using JCB at unobjectionable places.

6. Learned Prosecutor opposed the bail application and read out some portions in the mahazar indicating that the chicken waste was

disposed near a school and water sources.

Considering the nature of allegations, following directions are issued:

i. Petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.648 of 2015 of Areacode Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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