

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937H**

**Bail Appl..No. 5502 of 2015**  
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**CRIME NO. 803/2015 OF TALIPARAMBA POLICE STATION , KANNUR**  
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**PETITIONER(S)/ACCUSED NO.2 :**  
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**KIZHAKKEDATH VADAKKEPURAYIL AFSAL, AGED 21 YEARS,  
S/O.ABDURAHIMAN, K.V.HOUSE, THAVALAPPARA,  
NANISSERY (P.O.), PARASSANIKKADAVU, KANNUR.**

**BY ADVS.SMT.K.DEEPA (PAYYANUR)  
SRI.V.R.NASAR**

**RESPONDENT(S)/COMPLAINANT :**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-31.**
- 2. THE STATION HOUSE OFFICER,  
TALIPARAMBA POLICE STATION, KANNUR, PIN- 670 141.**

**BY PUBLIC PROSECUTOR SMT.R.REMA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**A.HARIPRASAD,J.**

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**B.A.No.5502 of 2015**

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**Dated this the 22<sup>nd</sup> day of September, 2015**

O R D E R

Application for bail under Section 439 of Cr.p.C.

2. The third accused in Crime No.803/2015 of Taliparamba Police Station, seeks bail as he is involved along with two other accused in offences punishable under Sections 279, 379, 353, 308 r/w 34 of the Indian Penal Code and Section 132(1) r/w Section 179 of the Motor Vehicles Act and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act. Further he is involved in Section 3(2) (e) of the PDPP Act.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. The prosecution case is that, the police officers detected as offence of illegal sand mining on 04-05-2015 at about 05.00 A.M and at that time of the accused persons were actively involved in committing the offence, on seeing the police party the second accused

tried to drive away the lorry in which sand was unlawfully loaded. The accused persons also caused damage to the Police jeep to a tune of Rs.25,000/- (Rupees Twnety Five Thousand Only).

5. The learned counsel for the petitioner submitted that the offences registered under the PDPP Act is only against the first accused

6. The learned Public Prosecutor opposed the bail application. Considering the facts and circumstance of this case and the fact that he surrendered on 01-09-2015. , bail is granted with the following conditions:

- i. The petitioner shall be released on bail on 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 produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- iii. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 A.M until final report is filed.
- iv. The petitioner shall not indulge in any offence while on bail.

v. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

7. He shall deposit Rs.10,000/- (Rupees Ten Thousand Rupees only) within a week after his release before the Magistrate having jurisdiction.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-  
A.HARIPRASAD  
JUDGE

AVS