

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7130 of 2015 ()

CRIME NO. 586/2015 OF CHERUTHURUTHY POLICE STATION, TRISSUR DISTRICT

PETITIONER/ACCUSED :

**RAJEEV V.K., AGED 30 YEARS
S/O.KRISHNANKUTTY, VILAYATH PARAMBIL HOUSE
CHERUTHURUTHY VILLAGE, THALAPPILLY TALUK
THRISSUR DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREEVINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT/STATE :

**THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAMR
EPRESENTING S.H.O.,
CHERUTHURUTHY POLICE STATION
THRISSUR DISTRICT- 680 001.**

BY PUBLIC PROSECUTOR SMT. V.H. JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P. JYOTHINDRANATH, J.

B.A. No.7130 of 2015

Dated this the 2nd day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner is made an accused in the above crime i.e. Crime No.586/2015 of Cheruthuruthy Police Station. It is the submission that the above crime is registered for the offences under Section 379 of IPC and Section 20 of the Kerala Protection of River Bank and Regulation of Removal of Sand Act, 2001. It is the submission that the prosecution got no case that neither he was present at the place of detection nor he had any connection with the vehicle involved. It is the submission that only because earlier the petitioner was made an accused in a similar crime and it was questioned by this petitioner, he is again made as an accused in this crime. The petitioner apprehends that, if he is arrested, the police may adopt third degree method

against him.

3. I heard the learned Public Prosecutor.

4. The learned Public Prosecutor submitted before me that the petitioner is involved in similar matters earlier also. If he is granted an anticipatory bail, it may be an encouragement to such law violators. It is also the submission that in this case actually the petitioner has stolen the sand belonging to the Government. Under such circumstances Section 379 of IPC is incorporated.

5. After hearing the learned Public Prosecutor and the learned counsel for the petitioner, the following orders are 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. If the interrogation is not over on that day, the Investigating Officer is at liberty to interrogate him on the next day also. After interrogation, if the police officer feels that this is a case where his arrest is necessary, the officer 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/- (Rupees twenty five thousand only) with two solvent sureties each 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

//True copy//

P.A. TO JUDGE

shg/