

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Bail Appl..No. 8447 of 2014 ()

CRIME NO. NOT KNOWN TO THE PETITIONER OF THRISSUR POLICE STATION

PETITIONER/ACCUSED (NOT IN CUSTODY) :

**SHARAFUDHEEN
S/O.KUNCHIMOIDEEN KUTTY, AGED 27 YEARS
POOLAKKOTTU HOUSE, KOODASSERY PARA DESOM,
KURUMBATHOOR P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.SHOBY K. FRANCIS

RESPONDENT/STATE :

**STATE OF KERALA
(THROUGH SUB INSPECTOR OF POLICE
THIRUR POLICE STATION, THIRUR P.O.,
MALAPPURAM DISTRICT)
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682 031**

BY PUBLIC PROSECUTOR SMT. M. MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P. JYOTHINDRANATH, J.

B.A. No.8447 of 2014

Dated this the 21st day of July, 2015

O R D E R

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

2. The case of the prosecution is that the petitioner is the accused in crime No.1534/2014 which is registered for offences under Sections 20 and 23 of the Kerala Protection of River Bank and Regulation of Removal of Sand Act, 2001 and also under Section 379 of I.P.C.

3. When the matter came up for hearing, learned counsel for the petitioner submitted before me that the petitioner is the owner of the lorry bearing registration No.KL-05-8105 which is involved in the alleged offence. It is the submission that only because the petitioner happened to be the owner of the vehicle, he is now implicated. It is the further submission that no offence with the knowledge of the petitioner has been committed by using the said vehicle. It is also the submission that the petitioner is ready to co-operate with the investigation.

4. I have heard the learned Public Prosecutor.

5. The learned Public Prosecutor submitted before me that the petitioner had committed an offence under Section 379 of I.P.C. apart from offences under Sections 20 and 23 of the Kerala Protection of River Bank and Regulation of Removal of Sand Act, 2001. It is the further submission that if a light attitude is taken to such offences it will give a wrong signal to the society.

6. After hearing the learned Public Prosecutor and also the learned counsel for the petitioner, I feel that this is a case where the following order can be passed, especially considering the fact that the incident happened in 2014. Thus the bail application is disposed of as under:

1. The petitioner shall surrender before the Investigating Officer on or before 05.08.2015 between 8 a.m. and 10.00 a.m. for interrogation and upon his surrender, after interrogation if the police officer feels that this is a case where arrest is necessary, he is at liberty to arrest. Thereon petitioner shall be enlarged on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like

sum to the satisfaction of the officer conducting arrest.

The petitioner shall further comply with the following conditions:

- (i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 8.8.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.
- (ii) The petitioner shall not tamper with the evidence or influence witnesses.
- (iii) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-

**K.P. JYOTHINDRANATH
JUDGE**

//True copy//

P.A. TO JUDGE

shg/