

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No. 8711 of 2014

CRIME NO. 381/2014 OF KOLATHUR POLICE STATION , MALAPPURAM

PETITIONER(S)/2ND & 3RD ACCUSED:

- 1. SHARAFUDHEEN @ KUTTIPPA, AGED 30 YEARS
S/O.ALAVIKUTTY, PALLIPARAMBATH HOUSE, ERUMATHADAM,
KOLATHUR, MALAPPURAM DISTRICT.**
- 2. MOHAMMED ASHIQUE, AGED 19 YEARS
S/O.HAMZA, NECHITHADATHIL HOUSE, PATTIPARAMBU P.O.
PERINTHALMANNA, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 8711 of 2014

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Dated this the 9th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A2 and A3 in Crime No.381 of 2014 of the Kolathur Police Station registered for the offences punishable under Section 379 read with Section 34 IPC and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioners and the other accused is that on 06.11.2014 at 02.45 a.m., they were found transporting sand illegally collected from the river without any licence or authorization by a lorry bearing Reg.No.KL-10-P-7190. On seeing the Police party, they ran away from the spot after leaving the lorry and the sand. Subsequently on 14.11.2014, A1 was arrested and was enlarged on bail.

4. Heard learned counsel for the petitioners and learned Public Prosecutor. Perused the CD.

5. No criminal antecedents have been reported

against the petitioners. It seems that the sand illegally collected and the vehicle, have been seized in the case. Investigation of the case is practically over. Custodial interrogation of the petitioners is not required in the matter as there is nothing more to be recovered. Considering the facts and circumstances of the case and the absence of any criminal antecedents on their part, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioners shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Fridays and Tuesdays commencing from 16.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners 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/-

B.KEMAL PASHA
JUDGE

DSV/9/1/15

// True Copy //

PA to Judge

