

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Bail Appl..No. 8732 of 2014 ()

**CRIME NO. 872/2014 OF PONNANI POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**ABDUL SALAM, AGED 26 YEARS,
S/O.ABDUL KHADER, ISPAKKANTAKATH HOUSE,
PONNANI NAGARAM P.O, MALAPPURAM DIST**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS/COMPLAINANT & STATE:

**1. THE STATION HOUSE OFFICER,
PONNANI POLICE STATION,MALAPPURAM DISTRICT 679 580**

**2. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.8732 of 2014

Dated this the 8th day of January 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. According to the petitioner, he is apprehending arrest in connection Crime No.872 of 2014 of the Ponnani Police Station, Malappuram District registered for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act.

4. The allegation against the petitioner is that on 14.10.2014 at about 6.00 a.m., he was found collecting sand from Bharathapuzha, without any authority, and transporting it into lorry bearing Reg.No.KL-8.S.6386. On seeing the police party, the

petitioner ran away from the spot after leaving the lorry loaded with the sand.

3. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. 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 petitioner is not required for the continued investigation of the case. No criminal antecedents have been reported against the petitioner. Considering all the above, I am of the view that this is fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his 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 petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 15.1.2015 for a period of three months.

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

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

(iv) 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/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge