

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Bail Appl..No. 8804 of 2014 ()

CRIME NO. 652/2014 OF MUKKOM POLICE STATION, KOZHIKODE

PETITIONER :

**MUHAMMEDALI, AGED 26 YEARS,
S/O.ABDURAHIMAN, MATTUMMAL KANDI, CHONATTU,
KAKKAD AMSOM, KARASSERY DESOM, KOZHIKODE TALUK,
KOZHIKKODE DT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
BY THE SUB INSPECTOR OF POLICE,
MUKKOM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No. 8804 of 2014

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Dated this the 28th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.652 of 2014 of the Mukkom Police Station, registered for the offences punishable under Section 379 IPC and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 30.10.2014 at 10.40 a.m., he was found transporting sand illegally collected from the river without any licence or authorization by lorry bearing registration No.KL-18-C-86. On seeing the Police party, he ran away from the spot after leaving the vehicle and the sand.

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

5. No criminal antecedents have been reported

against 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 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 the part of the petitioner, I am of the view that this is a 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 Wednesdays and Saturdays commencing from 04.02.2015 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 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**

DSV/28/1/15

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P.A. To Judge

