

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 8883 of 2014

CRIME NO. 446/2014 OF KOLATHUR POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED :

**NOUSHADALI, AGED 27 YEARS,
S/O.ALAVIKUTTY, PALAKKAMANNIL HOUSE, KADUNGAPURAM P.O,
PARAVAKKAL, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT(S)/COMPLAINANT :

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031(IN CRIME NO.446/2014 KOLATHUR POLICE STATION).**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.8883 of 2014

Dated this the 14th 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 with Crime No.446 of 2014 of Kolathur Police Station 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, 2001.

3. The allegation against the petitioner and the other accused is that on 5.12.2014 at 2.00 a.m., they were found transporting sand, by mini lorry bearing Reg.No.KCE 2799 and that the said sand was illegally collected without any authority. On

seeing the police, the petitioner and others ran away from the spot after leaving the lorry with the load of sand.

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

5. The investigation of this case is practically over. No criminal antecedents have been reported against the petitioner. There is nothing to be recovered from the petitioner, as the lorry and the sand have been seized. Considering the facts and circumstances of the case, 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 21.1.2015 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

dl

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PA to Judge