

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.8909 of 2014

CRIME NO.537/2014 OF VAZHAKKAD POLICE STATION,MALAPPURAM DISTRICT

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PETITIONER/ACCUSED:

**JUNAID,S/O.MOOSA,AGED 24 YEARS,
PUTHALATH HOUSE,VADAKKEPARAMBU,
THAVANOOR,CHEEKKODE,MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S.NAIR

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT,PIN - 673 640.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

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

pk

B.KEMAL PASHA, J.

B.A.No.8909 of 2014

Dated this the 8th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.537 of 2014 of Vazhakkad Police Station registered for the offences punishable under Sections 379 read with Section 34 of the Indian Penal Code and Sections 12 and 23 of Kerala Protection of River Banks and Regulation of Removal of Sand Act.

3. The allegation against the petitioner is that on 15.11.2014 at 5.00 a.m., he was found transporting sand illegally collected from the Chaliyar river, without any valid permit, by lorry bearing Reg.No.KL 11.T.5351. On seeing the police party, the petitioner ran away from the spot after leaving the lorry loaded with the sand.

4. Heard the learned counsel for the petitioner and the

learned Public Prosecutor. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. There is nothing else to be recovered as the vehicle and sand were recovered. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

5. 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 ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum 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 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 15.1.2015 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