

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Bail Appl..No. 8945 of 2014 ()

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CRIME NO. 573/2014 OF AREACODE POLICE STATION, MALAPPURAM DISTRICT.**

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PETITIONER/ACCUSED:

**FAYIS. N.K., AGED 22 YEARS,
S/O.MOIDEEN KUNHI, PALLIYALI HOUSE,
SOUTH PUTHALAM, AREACODE P.O.,
MALAPPURAM DISTRICT.**

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

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(IN CRIME NO. 573/2014 OF AREACODE POLICE).**

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.8945 of 2014

Dated this the 20th day of January 2015

ORDER

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

2. The petitioner is the accused in Crime No.573 of 2014 of Areacode 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, 2001.

3. The allegation against the petitioner is that on 27.10.2014 at 15.30 hrs., he was found engaged in transporting river sand, by a lorry, the registration number of which was scraped out, and that the said sand was illegally collected without any authority. On seeing the police, the petitioner 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 Tuesdays and Fridays, commencing from 27.1.2015, 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