

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. 9077 of 2014

CRIME NO. 579/2014 OF VAZHAKKAD POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S):

**ABDUL NASAR.K.P, AGED 25 YEARS,
S/O.ASSAIN, PANTHAKKATHODIYIL HOUSE, MUNDAMPARAMBA,
PULIYAKKODE P.O., KAZHIMANNA (VIA), MALAPPURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

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

Msd.

B.KEMAL PASHA, J.

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B.A. No. 9077 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 1st accused in Crime No.579 of 2014 of the Vazhakkad Police Station, registered for the offences punishable under Section 379 read with Section 34 IPC and Sections 12, 23 read with Section 20 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 13.12.2014 at 5.30 p.m., they were found loading river sand, illegally collected from the river, without any licence or authorization into lorry bearing registration No.KL-05-D-8986,. On seeing the Police party, they 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

