

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl..No. 9081 of 2014

CRIME NO. 640/2014 OF AREACODE POLICE STATION, MALAPPURAM DISTRICT.
.....

PETITIONER:

**MOHAMMED RAFI,
S/O. HUSSAIN, AGED 29 YEARS,
THACHARAMBAN, 7/323,
EDAVANNA, PANNIPPARA, EDAVANNA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
BY THE SUB INSPECTOR OF POLICE,
AREACODE 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 16-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.9081 of 2014

.....
Dated this the 16th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.640 of 2014 of the Areacode Police Station, Malappuram registered for the offences punishable under Section 379 IPC and Sections 23 and 25 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 18.12.2014 at about 17.30 hours he was found transporting sand illegally collected from the river without any licence or authorization by lorry bearing registration No.KL-14-7773.

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 his part, 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 ₹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 Mondays and Thursdays commencing from 23.02.2015 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

ul/-

[True copy]

P.S. to Judge