

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. 9151 of 2014

CRIME NO. 445/2014 OF KOLATHUR POLICE STATION, MALAPPURAM DISTRICT.
.....

PETITIONER/ACCUSED:

**ANWAR T.T., AGED 26 YEARS,
S/O.ABOOBACKER, THACHARATHODI,
P.O.KOLATHUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-68203,
(IN CRIME NO 445/2014 KOLATHUR POLICE STATION)**

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:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.9151 OF 2014
.....

Dated this the 8^h day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.445 of 2014 of the Kolathur Police Station, Malappuram registered for the offences punishable under Section 379 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 05.12.2014 at 00.20 a.m., he was found loading river sand, illegally collected without any authority, into lorry bearing Reg.No.KL-01Z-2858. The petitioner was arrested on 12.12.2014 and thereafter he has been in custody.

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

5. The learned Public Prosecutor has pointed out that the petitioner is a habitual offender involved in five other cases, mostly of similar type. It has been reported that proceedings have been initiated against him under Section 107 Cr.P.C. The investigation of this case is practically over. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Even though the petitioner is involved in five other cases, having regard to the period undergone by the petitioner in custody and the facts and circumstances of this case, I am of the view that, as a last chance, he can be enlarged on bail in this case also.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail 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 concerned Judicial First Class Magistrate's Court, 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 15.01.2015 for a period of six months.

(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