IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

THURSDAY, THE 15TH DAY OF OCTOBER 2020 / 23RD ASWINA, 1942

Bail Appl..No.5668 OF 2020

CRIME NO.92/2020 OF Malappuram Police Station, Malappuram

PETITIONER/S:

1 FIROS C
AGED 27 YEARS
KIZHAKKAYIL HOUSE
PATHAPPIRIYAM POST
EDAVANNA, MA;APPURAM
676123

2 DANISH
AGED 30 YEARS
VALIYAPEEDIYEKAL HOUSE
PATHAPPIRIYAM PO
EDAVANNA
676123

BY ADV. SHRI.T.K.AJITH KUMAR

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
682031

SRI.SANTHOSH PETER SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15.10.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 15th day of October 2020

This is an application filed under Section 438 of Cr.P.C seeking anticipatory bail.

2. The applicants are accused in Crime No.92/2020 of Malappuram Police Station, Malappuram, for having allegedly committed offences punishable under Sections 379 and Section 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act.

3. The prosecution case, in brief, is that on 12.03.2020 at about 3.35 a.m, the police officer attached to the Malappuram Police Station, on getting secret information regarding removal of sand, reached the scene of occurrence and found loading of river sand in a lorry Reg.No.KL-18-B-3112. On seeing the police party, the applicants who are the cleaner and the driver of the lorry fled away from there. The lorry and the sand were

seized by the police and the crime registered.

4. The applicants apprehend arrest and therefore approached this Court for pre-arrest bail.

5. Considering the fact that the lorry and sand have already been seized by the police, custodial interrogation of the applicants may not be necessary. It is also submitted that the applicants do not have any criminal antecedents.

6. In the result the application is allowed and the applicants are directed to surrender before the investigating officer within two weeks, and after interrogation in the event of their being arrested, they shall be released on bail on the execution of bond for Rs.50,000/-(Rupees Fifty thousand only) each with two solvent sureties for the like amount each to the satisfaction of the investigating officer and on the following conditions;

1.They shall not tamper with evidence, influence or intimidate witnesses.

2.They shall appear before the investigating officer as and when called for.

3.They shall not get involved in similar offences during the bail period.

In the event of violating the bail conditions, the prosecution shall be at liberty to apply for cancellation of bail before the jurisdictional court.

Sd/-

ASHOK MENON

JUDGE

SPK