IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

Bail Appl.No.7938 OF 2020

CRIME NO.396/2020 OF Vazhakkad Police Station , Malappuram

PETITIONER/S:

MOHAMMED BASHEER,
AGED 33 YEARS,
MADATHINGAL HOUSE, MAPRAM, VAZHAKKAD,
CHERUVAYUR, MALAPPURAM DISTRICT – 673645.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT/S:

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

OTHER PRESENT:

SRI.E.C.BINEESH, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 9th day of December 2020

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

2. The applicant is the sole accused in Crime No.396/2020 of Vazhakkad Police Station for having allegedly committed the offences punishable under Section 379 of the I.P.C. and under Section 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The prosecution case, in brief, is that on 28.10.2020 at about 11.30 AM, the police party intercepted a lorry bearing Reg.No.KL-56-8657 while transporting illegal river sand. On being intercepted by the police, the driver abandoned the lorry and fled away. Since the applicant is the registered owner of the vehicle, he apprehends arrest and approaches this Court for anticipatory bail.

4. Heard the learned Counsel for the applicant and the learned Public Prosecutor.

5. The sand and the lorry have already been seized by the police, and therefore, custodial interrogation of the applicant may not be necessary. He has no other criminal antecedents.

In the result, the bail application is allowed and the applicant is directed to surrender before the investigating officer within two weeks. After interrogation and in the event of his being arrested, he shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the investigating officer, and on the following conditions:

(i) He shall not influence or intimidate witnesses or tamper with evidence;

(ii) He shall appear before the investigating officer as and when called for; and

(iii) During the bail period, he shall not get involved in any similar offences.

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

Sd/-

dkr

ASHOK MENON

JUDGE