

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 31ST DAY OF MARCH 2016/11TH CHAITHRA, 1938

Bail Appl..No. 1527 of 2016 ()

CRIME NO. 43/2016 OF KOLATHUR POLICE STATION , MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

**SHARAFUDHEEN,
S/O.ALAVIKUTTY, AGED 30 YEARS,
PALLIPARAMBAN HOUSE, KOLATHUR.P.O.,
ERUMATHADAM, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KOLATHUR POLICE STATION, MALAPPURAM DISTRICT,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2016, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

SUNIL THOMAS, J.

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B.A.No.1527 of 2016

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Dated this the 31st day of March, 2016

ORDER

Petitioner herein is the first accused in Crime No.43 of 2016 of Kolathur Police Station for 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.

2. According to the prosecution, on 11.02.2016 at 11.30p.m. (wrongly mentioned in the application as 10.02.2016), petitioner was found in the illicit transportation of river sand in a car. Petitioner was the alleged driver and the RC owner of the vehicle. He ran away from the spot. Apprehending arrest, he seeks bail.

3. Heard and examined the records.

4. It is submitted by the learned Public Prosecutor that the petitioner is involved in yet another crime as Crime No.28 of 2016, in which, on 03.02.2016, the petitioner herein was found indulging in similar offence. It appears that both the crimes occurred in the same month after a gap of few days. However,

having regard to the nature of incident and the fact that the vehicle and sand have been recovered, I feel that further custody of the petitioner may not be essential and bail can be granted to him subject to the following conditions.

(i) Petitioner shall appear before the Investigating Officer within ten days from today and shall undergo interrogation. If he is proposed to be arrested, he shall be released on bail on he executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for the like sum each.

(ii) He shall appear before the Investigating Officer on all Mondays and Fridays between 9 a.m. and 10 a.m. for a period of two months from the date of execution of the bond as above.

(iii) He shall not get involved in any other identical offence and shall not threaten, coerce or intimidate the de facto complainant or his witnesses.

The anticipatory bail application is allowed as above.

Sd/-
SUNIL THOMAS
Judge

Sbna/31/3/16

True Copy

P A to Judge