

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942

Bail Appl.No.6769 OF 2020

CRIME NO.259/2020 OF Vazhakkad Police Station , Malappuram

PETITIONER/S:

MOHAMMED IQBAL,  
AGED 38 YEARS,  
KARUTHEDATH HOUSE, CHANNAYIL,  
VAZHAYOOR EAST PO, PULIKKAL,  
MALAPPURAM DISTRICT - 673633.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT/S:

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

OTHER PRESENT:

SRI.C.N.PRABHAKARAN, SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
30.10.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**O R D E R**

**Dated this the 30th day of October 2020**

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

2. The applicant is the accused in Crime No.259/2020 of Vazhakkad Police Station for having allegedly committed the offences punishable under Section 379 of Indian Penal Code and under Sections 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 27.07.2020 at about 5.30 AM, the police officers intercepted a Lorry bearing Reg.No.KL-57-1788 while it was carrying river sand illegally. The driver had fled away from there and in consequence of that crime was registered. The lorry and the sand were seized by the police officers.

4. The applicant is the registered owner of the vehicle; though the registration of the vehicle has not yet been transferred in his name. Apprehending arrest, the applicant approaches this Court for anticipatory bail.

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

6. Admittedly, the applicant has no other criminal antecedents. He is willing to cooperate with the investigation. The lorry and sand were already seized by the police officers. Hence, custodial interrogation of the applicant may not be necessary.

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**