

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 29TH DAY OF APRIL 2022 / 9TH VAISAKHA, 1944

BAIL APPL. NO. 2150 OF 2022

CRIME NO.81 OF 2022 OF KALPAKANCHERY POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

THANSEER K M
AGED 28 YEARS
S/O MUHAMMED K, KUTTIKATTIL, KOMBODA, KARIMBA POST,
PALAKKAD DISTRICT., PIN - 678597

BY ADV BINU V V

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031

SMT. SEENA C -PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.81/2022 of Kalpakanchery Police Station, which was registered for 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 Removing of Sand Act, 2001.

2. The allegation against the petitioner is that the petitioner was found transporting river sand in a Tipper Lorry bearing registration No.KL 02 U 3503 on 26.02.2022 at about 6.30 a.m. and thereby committed the offences. This application is submitted for anticipatory bail.

3. Heard both sides.

4. Learned counsel for the petitioner submits that the petitioner is falsely implicated in the case.

5. On the other hand, learned public prosecutor would oppose the aforesaid bail application. Considering the nature of the allegations and the investigation so far conducted, it is discernible that the contraband article and the vehicle is already taken into possession. In such circumstances, it is only proper

that the petitioner be directed to surrender before the police so as to ensure his co-operation with the investigation.

In the result, this application is allowed with the following directions:-

1) The petitioner shall surrender before the Investigating officer, within a period of two weeks from today, for subjecting himself for interrogation.

2) After interrogation, the petitioner shall be released on bail, on the very same day of surrender upon the petitioner executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum, to the satisfaction of the investigating officer.

3) The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for the purpose of recovery, if any, as and when demanded.

4) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m on every Wednesday until the filing of final report.

5) The petitioner shall also appear before the investigating officer as and when required by him.

6) The petitioner shall not commit any offence of like nature while on bail.

7) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

8) The petitioner shall not leave the State of Kerala without the permission of the trial court.

In case of violation of any of the above conditions, the jurisdictional Magistrate/Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law.

Sd/-

ZIYAD RAHMAN A.A.
JUDGE

APPENDIX OF BAIL APPL. 2150/2022

PETITIONER ANNEXURES

Annexure A1

TRUE COPY OF THE FIRST INFORMATION REPORT
IN CRIME NO.81/2022 OF KALPAKANCHERRY
POLICE