

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 1ST DAY OF APRIL 2022 / 11TH CHAITHRA, 1944

BAIL APPL. NO. 755 OF 2022

CRIME NO.16/2022 OF KUTTIPURAM POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

KIRAN P P
AGED 21 YEARS
SON OF MANI P P, PULLAPPURATH HOUSE, K K JUNCTION,
PONNANI, MALAPPURAM, PIN - 679577

BY ADV BINU V V VEETIL VALAPPIL

RESPONDENT/STATE:

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

BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

SRI. T.R. RANJITH (SR. PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.16/2022 of Kuttipuram Police Station, Malappuram District alleging commission of offences 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 (hereinafter referred to as the 'Sand Act' for short).

2. The allegation against the petitioner is that on 08-01-2022 at about 01.05 a.m, the petitioner was found transporting illegally mined river sand in violation of the provisions of the Sand Act in vehicle bearing Registration No.KL-04-G-5533. It is alleged that on seeing the police party, the petitioner stopped the vehicle and ran away from the vehicle.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter. It is submitted that the vehicle and the sand have been seized by the police. It is submitted that the custody of the petitioner is not required for the purposes of any investigation.

4. The learned Public Prosecutor on instructions

would submit that though the sand and the lorry have been seized by the police, the presence of the petitioner is necessary for interrogation to complete the investigation into the case.

5. Having regard to the facts and circumstances of the case and considering the fact that the lorry and the sand have been recovered by the police party, I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

In the result, this bail application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in connection with Crime No.16/2022 of Kuttipuram Police Station, Malappuram District subject to the following conditions:-

(i) Petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall report before the Investigating officer in Crime No.16/2022 of Kuttipuram Police Station, Malappuram District as and when summoned to do so;

(iii) Petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.16/2022 of Kuttipuram Police Station, Malappuram District may file an application before the jurisdictional Court for cancellation of bail.

Communicate a copy of this order to the District Collector, Malappuram, who shall ensure that expeditious steps are taken to complete the confiscation proceedings under the Sand Act.

Sd/-
GOPINATH P.
JUDGE

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APPENDIX OF BAIL APPL. 755/2022

PETITIONER ANNEXURES

Annexure1

TRUE COPY OF THE FIR IN CRIME NO.
16/2022 OF KUTTIPPURAM POLICE STATION,
DATED 08/01/2022