

Abdul Rasheed vs the State of Kerala

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Court : Kerala

Decided On : Jan-25-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./259/2022

Appellant : Abdul Rasheed

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 25TH DAY OF JANUARY 2022 / 5TH MAGHA, 1943
CRIME NO.436/2021 OF VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT PETITIONER/ACCUSED: ABDUL RASHEED
AGED 28 YEARS, S/O.MOHAMMED, PARASSERIKUZHI, AKKODE,
VAZHAKKAD, KARUMARAKKAD, MALAPPURAM DISTRICT, PIN - 673
640. BY ADVS. P.SAMSUDIN LIRA A.B.
RESPONDENT/COMPLAINANT: THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 682 031 (IN CRIME NO.436/2021 OF
VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT). SMT.

SEETHA .S. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in Crime No.436 of 2021

of Vazhakkad Police Station, Malappuram District, alleging commission of offences under Section 379 of the Indian Penal Code read with Section 20 of the Kerala Protection of Riven Banks and Regulation of Removal of Sand Act, 2001 (hereinafter referred to as 'the Sand Act'). The allegation against the petitioner is that in violation of the provisions of the Sand Act, the petitioner was found carrying sand in his lorry without displaying the registration number and without obtaining any pass or permit from the competent authorities.

3. The learned counsel for the petitioner submits that the

petitioner is absolutely innocent in the matter. It is submitted that the sand in question and the lorry have been seized by the police and that in the facts and circumstances of the case, the custodial interrogation of the petitioner may not be necessary.

4. Heard the learned Public Prosecutor also. The learned

Public Prosecutor confirms that the vehicle in question and the sand have been seized by the police. It is submitted that for the purpose of investigation, the petitioner has to be interrogated.

5. Having regard to the submissions of the learned counsel for the petitioner and the learned Public Prosecutor, I am of the view that the petitioner can be granted anticipatory bail subject to conditions.

6. In the result, this application is allowed and it is

directed that the petitioner shall be released on bail, in the event of his arrest in connection with Crime No.436 of 2021 of Vazhakkad Police Station, Malappuram District, subject to the following conditions:

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

(ii) The petitioner shall report before the investigating officer in Crime No.436 of 2021 of Vazhakkad Police Station, Malappuram District, at 11.00AM on 31.01.2022 and thereafter, whenever called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.436 of 2021 of Vazhakkad Police Station, Malappuram District;

(iv) The 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.436 of 2021 of Vazhakkad Police Station, Malappuram District, may file an application before the Jurisdictional Court, for cancellation of bail. Sd/- GOPINATH P. JUDGE DK

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