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Subeesh M. vs State of Kerala

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Court : Kerala

Decided On : May-26-2021

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./3019/2021

Appellant : Subeesh M.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR WEDNESDAY, THE 26TH DAY OF MAY 2021 / 5TH JYAISHTA, 1943 PETITIONER/S/ACCUSED: SUBEESH M. AGED 30 YEARS, S/O SUKUMARAN HARIJAN COLONY HOUSE, UGRAPURAM POST, AREEKODE, MALAPPURAM, PIN - 673639 BY ADV T.K.AJITH KUMAR RESPONDENT/S/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADV SENIOR PUBLIC PROSECUTOR, SMT. M.K. PUSHPALATHA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.82 of 2021 of Areacode Police Station, registered for the offences punishable under Section 379 IPC and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 (for short the Sand Act).

2. The prosecution allegation is that on 18.03.2021

at about 10.10 p.m., the petitioner had transported river sand in a tipper lorry without having any valid document, in contravention of the provisions of the Sand Act.

3. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has no serious

objection in granting the relief under Section 438 Cr.P.C. in favour of the petitioner. The learned Public Prosecutor has submitted that the petitioner is not involved in any other offences. The lorry and the sand had been already seized. Therefore, no recovery is to be effected in this case. The custodial interrogation of the petitioner is also not necessary in this case. Considering the facts and circumstances of the case, including the submissions at the bar, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioner.

In the result, this application stands allowed and the

petitioner shall be enlarged on bail, in the event of his arrest in the above said crime, on condition of the petitioner executing a bond for Rs.35,000/- (Rupees Thirty Five Thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Station House Officer concerned, before whom the petitioner shall surrender within twenty days, if not arrested in the meantime and subject to the following conditions:

(i) The petitioner shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not get involved in any other offence of similar nature during the pendency of this case.

(iii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation. SD/- B.SUDHEENDRA KUMAR JUDGE RK/26.05.2021

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